Allowed to be Publiſh'd,

Anno Dom. 1688.

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Natural Allegiance,

AND A

National Protection,

TRULY STATED:

Being a Full

ANSWER

TO

Dr. G. Burnett's Vindication of Himself.

Aug: 1688

said to be writt by Dr Mac Craigh

LONDON,

Printed, and sold by the Booksellers of *London* and *Westminster*. 1688.

UMI

Remarks on the Second Part of the Reflections of Dr. *Burnett*, on the *Parliamentum Pacificum*; being an Answer to the Vindication of himself.

SECT. I.

AN Apology *for so many Months silence* * (which is sometime Interpreted, a Consent to the Accusation) would be now as requisite and necessary for our selves; and be better excus'd by the long, deliberate, and serious Consideration, that has been had of what is here **Writ**; than that of our Authors, *from his uneasiness* in **Writing**: Himself, and his Admirers, I am sure, think he Writes very *easily*, * and the many Calumnies he has cast upon our *English* Government, and the Prince that Presides in it, in multiply'd **Reflections**, in repeated Libels, aggravated with Arrogance and Applause, only from their being the most Audacious Crimes, and the severest Satyrs on the Crown: This does certainly declare, that they do not come from him with such a deal of *difficulty*,

* *Vid.* pag. 1.

* *Vid.* his Papers.

ficulty, but are more probably, the ſudden Productions of his eaſie Stile. The haſty Tranſports of an * avow'd and Animated Paſſion, or the gratifying the Popular Fame he has here acquir'd, partly for his Meritorious Learning, and more by his ſtudy'd Affectation.

* *Vid.* Letter to my Lord *Middleton.*

Had this Paper but the half of that *Modeſty* it *pretends* to, it could not with ſo bold a * Front term thoſe pieces that have been publiſh'd in defence of a Prince and Government he defames, but ſo *many Libels*, only becauſe they have *toſt about his Name*; I cannot ſee how they can be call'd ſo, unleſs this Celebrated **Name**, to which ſo *many* are aſcrib'd, like ſome Cabaliſtick Spell can make a Metamorphoſis, and blot the very Papers that offer but to mention it: Thoſe are look'd upon as the greateſt *Libellers* by the *Civil* Law, that invade and abuſe the *Civil** power and the Magiſtrate, which if it tend to Sedition, is there call'd, a * **Publick Invaſion.**

* Paragraph.

* Atrox injuria eſtimatur, Si Magiſtratus, &c. Inſt. 4. Tit. 4. Si ad ſeditionem: Vis Publica eſt. *Vid.* Pacii Analyſ. *ibid.*

* *Vid.* Tuld. hic. c. 5. per l. Un. C. Si quis Imp. maledixerit. Quiſque vel cogitavit, &c. *Vid. C.* 9. & 6.

Had our Author, that Chriſtian Temper, which he tells us he propoſes for a Pattern and Imitation: I humbly conceive, he ought to have been ſo *humble* too, though ſuch an *High-Prieſt*, and kept the *Prieſt* from being ſo *high*, as to revile the *Prince*, that Divine Pattern our Saviour, is indeed the greateſt Example of ſuch a ſort of deference and ſubmiſſion; *that* would make him ſuch a *Chriſtian*; as to pay it to his *King*, though *Pagan*; and *that* though Dr. *B.* were of the Opinion of Mr. *I.* in the point of * *Popery.*

* *Vid. Julian's* Popery and Paganiſm.

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In the next place, his Apology for the States of *Holland*, is but little better than what he makes for himſelf; for the Protection they have given him, might proceed from the Miſrepreſentation he has given them, and their Lordſhips we thought would have had too much Honor for Crowned Heads and their own Allies, than to protect a perſon that Libel'd and abus'd *both*; at leaſt, if they allowed him the priviledge of a Naturaliz'd Subject, they could not indulge him a Liberty that muſt be deny'd any Native; that is, to offer to defame the Proceedings of thoſe Princes, whom not only their Sacred Character ſhould preſerve Inviolate, but whom, themſelves were oblig'd by ſolemn Leagues and Articles of Alliance, (Sanctions that in ſuch National Concerns are more ſeriouſly to be obſerv'd) to maintain in their wonted Honor and Eſteem; and to deliver up ſuch *Forreign* Fugitives; or puniſh at home ſuch *Domeſtick* Offenders as do endeavour to diminiſh it: The *little* Reflection that was paſt upon their Government, one would have thought might have been paſt by too, by one that reflects upon *ours* ſo *much*; and Stateſmen will allow, even *Grotius* himſelf, that the Aggreſſors in ſuch Violations, authorize the returning of the like: If our Author can prove, that the *States* have been *worſe uſed*, than he has uſed the *King* of *Great Britain*; or, that the leaſt Animadverſion was ever made *on their* Government or Conſtitution; till His Majeſty had ſuffer'd ſo much from his moſt Injurious Pen, we will then ſubmit to that puniſhment, which the Penſioner, and the Doctor, doe deſire, and be heartily ſorry for that **Atrocious Calumny**, which they ſay, has ſo much deſerv'd it.

Vid. Ibid. pag.

K. of *France* & *England* in his Reflect.

Vid. Parliam. Pacif.

I have therefore in all the preceding Treatiſe omitted ſuch Expreſſions as might give an offence, tho' they could be ſaid with *truth*: I have given *Hiſtorical* Accounts of the Proceedings of thoſe Catholick Princes, whoſe Memory and Religion, Perſons and Perſwaſions, our Author thinks it his Duty barely by Reflection to defame, and if *Holland* has happened to be concern'd in the *Hiſtory* as well as *France*, and *Germany*, who can help it? the Doctor might as well commence a Quarrel with *Heylin*'s Geography; (for Hiſtorians in a Trade can never agree) as to make us anſwerable to *States*, for an *Hiſtory* of the *times*, and only for relating the Tranſactions of thoſe very *Papiſts* and *Proteſtants*, that made ſuch a wonderful alteration in this Weſtern part of the World; and even an account *extorted* from us, by thoſe Rhetorical Reflexions, (which from a greater Zeal againſt Popery, than any regard to ſincerity and truth) I am confident he has made: Neither does this Juſtification of our ſelves like our Author's Defamation of Princes, conſiſt for the moſt part only in Flouriſh and Tropology; and I might add, in a little Malice, mingl'd with his *much* Learning and *Wit*; but the Writing of an *Hiſtory* is to be defended by the *Law*, and tho' it were *of all Nations*, is no *Libel*; by the very *Jus Gentium*: The *World* could never be ſaid to ſit in Judgment upon Sir *Walter Rawleigh*, and the ſhort Hiſtory we have given of the *Forreign Reformations*, make us no more accountable to *States abroad*, than our Author is for the *Hiſtory* of *our* own at *home*; though I muſt confeſs, I do not expect any *thanks* from *Holland*, becauſe he had his from the *Houſe*; ſo that if thoſe Paſſages, by which he ſo laborioufly would ſtir up the reſentment of the * States, have only a reſpect to Matter of Fact, to Hiſtory;

* *Vid.* Reflect. 1 part, pag. p.

ſtory; and that of Reformation, the Laws of *Nations* make it no *Injury*, and I hope, none of our Neighbours will teach us any better *Law*.

Injurious Defamation, conſiſts properly in **Reflections**, which of late is our Authors excellency, his common Topick, Title, & *peculiar*; and what *Reflects* upon the fame of *private* Perſons, or *Publick* Societies, in feigned Compoſitions, either of **Satyr* and *Lampoon*, both by Civilians, and *other* Lawyers, is truly call'd *Libel*. And therefore, I ſuppoſe it was, and for that *only* reaſon, that the Learned † Annotator on the Inſtitutions of *Juſtinian*, in his Chapter of *Injuries*, would have the word **Hiſtory** expung'd from being appropriated as a part of *Legal Defamation*; which (ſays he) an Eminent Author does not allow of; neither (indeed) do the more Corrected Books mention it: I have thought good to Apologize with this too, that our Adverſary may not retort again, that the *States are worſe us'd than himſelf*, whom we would ſtill reſpect, while **Our** Allies, tho' this Author ſhould perſiſt to Libel **Theirs**.

* Si quis ad infamiam, Carmen Libellum, aut Hiſtoriam, &c Inſtitut. Lib. 4. Tit. 4.

† Delendum eſſe verbum, *aut Hiſtoriam*, quod nec Theop. agnoſcit, nec habent libri Emendatiores. *Vid.* Jul. Pacii Analyſ. Scholiis Schotani. *Id.*

This *Protection*, (ſince he is pleaſed farther to inſiſt on) we ſhall a little further debate, with all deference, to thoſe that give it him; and though he offers to *Anſwer all* that relates to himſelf, I hope to ſhew that there is a great deal yet left *unanſwered*; and for that *Compliment*, he paſſes upon *our* Stile, for *foul Language*, we have in return, given a more *civil* Character of *his*. If a Man were to judge of the Manners of a Clime, from the Deportment of the Inhabitants, I know from whence we might expect *foul Language*: I confeſs, I cannot contend with our celebrated Author for that popular Fame that attends his way of Writing; which leaſt it ſhould be confin'd, and too narrow for his unproportionable

Id. Pa.

portionable Merit, himself has taken care in* some Pompous Expressions to divulge, but though not so *copious*; still I do not find my self so *streightned* in such a *scanty* Stile, as to be forc'd to have recourse to *Scurrility*; the late Bishop of *Oxford*, for his * *Fiocco*'s sake, might have been better treated, since his own Name in the *end* of it, to which the *Enquirer* never read, manifested it to be his; and the same *License* that has so alarm'd him, authoriz'd it in the *Front*, yet some sober Persons presume to think that *Enquiry* a very *Scurrilous* one; which with Reverence to the See, and respect to the Sacred Function, had been better forborn, neither was there in all our Papers, to the last, the least Reflexion upon our Adversary, that transcends the boldness he has taken with his Majesty and the Crown; neither was I conscious of any particular Opprobrious Term, for which he could reproach me, unless it were a Crime to call him an * *Impostor*, that puts upon us for *History* the Defamation of the last * *Kings* Memory, and that of all his † *Predecessors*; the meeting with such Passages might a little provoke an undecent expression; for which even sedate thought, or the mightiest modesty will hardly permit me now to beg his Pardon.

* *Vid.* Reflect. on *Varill*, and Reflect. on History of Reform. at *Oxon.* and several of his late works.

* *Vid.* the Enquiry, Buffoon, Scaramouch, Harlequin. Drawcansyr. Baboon. And Quære, If *foul Language*?

* *Vid* Parliam. Pacificum. pag. 44.

* Those that speak to the dishonour of the King's Parents, and Progenitors, are by the Laws of *Scotland*, within the Acts of Leasing making, and to be punisht with loss of Life. *Jac.* 6. p. 8. *c.* 134.

Having thus past through the *Præliminarys* of his most *peculiar Vindication*, with as much Compliment as may be, we are come now to consider the *Contents* of it: And first, what further Defence our Adversary has made, and how far he has answer'd to his second Citation that was sent him out of *Scotland*?

SECT.

SECT. II.

WHatever are the Complaints of Dr. *B.* againſt his *Countrymen*, I cannot ſee how he could have wiſh'd for a better *Country* to have put himſelf upon his Tryal in; a *Nation* that governs it ſelf by the Laws of *all Nations*, as well as the *Municipal* ones of their *Land*, and even *thoſe fram'd, and compos'd according to the wiſe Inſtitutions of the Emperor *Juſtinian*, as juſt a Legiſlator as *Solon* himſelf, whom our Author inſiſts on † for his Naturalization: Thoſe **Calumniators**, (to give our Author a right underſtanding of the word) thoſe *falſe Accuſers*, whom he would have accordingly *puniſht*, have *there* but little encouragement for *Perjury*: I wiſh we had *here* but as much ſeverity to intimidate Villains from ſuch Practiſes: It is *there* that theſe *Calumniators*, by a ſort of Arithmetical Juſtice, (as the *Moraliſts term it,) or by that Eternal Law of Equity, among the *Romans*, the *Lex Talionis*, are expos'd, upon detection of *their Perjury* and *falſehood*, to the very *Puniſhments* that the Party muſt have ſuffer'd, had their Evidence been *true*, and this not only by the * Civil Inſtitutions, which with them take place where their own is defective, but by their very * *Parliamentary*, as well as the *Imperial* Sanctions, and particularly, by that of King † *James* 6, which comes home to our Ad-

* *Vid.* Lib. cui Tit. Reg. Majeſtat. A Tranſcript from the *Roman* Law. *Vid.* Duck. de Authorite. l. 2. c. 10.

† *Vid.* Vindication of himſelf. p. 3.

Id. pag. 1.

* *Vid.* Stierius Præcept. Ethic. c. 14.

* Ex Lege Remnia irrogatur ut τὸ κ, fronti Caluminatoris inuratur, vel idem ſupplicium de quo reus periclitabatur. *Vid.* D. 4. 16. 1. c. 9. 46. 6. Zouch. Elem. pars 7. Sect. 10.

† *Vid.* Jac. 6. p. 11. c. 49.

verſa-

verſary's Caſe, He that *Calumniates* any Perſon of *High Treaſon*, and the Party be *acquitted*, incurs the ſame Crime and Puniſhment that the preſumed Guilty muſt have undergone, had he made good his Proof; a Criminal has but little reaſon to fear a *falſe* Evidence, where ſuch *fearful* Conſequences do attend it; and our Author has as little Juſtice to demand their being *puniſht accordingly*; ſince the proceeding upon a *ſecond* Citation, does not prove, that he was acquitted upon the *firſt*.

Had there been but the ſame Proviſion by our *own* Laws, againſt the *falſhood* of *Accuſation*, which our Author is ſo *afraid* of, I am *afraid* it would have ſav'd ſome of that *Society*, which his Pen ſo Perſecutes, from Periſhing ſo miſerably by the *Breath* of ſome Miſcreants, that might more boldly *ſtop* another Mans, when there's nothing left to *choak* them but their own Lyes and Forgeries; and who, perhaps, were the ſooner brought to a ſhameful *death*, when their Accuſers were never in any danger of their *Lives*: I could never meet with any Objection againſt this moſt equitably proceeding, but only that it might be a diſcouragement to ſuch as might otherwiſe detect any Treaſon or Conſpiracy; but ſince the Accuſer has the ſame ſecurity for his Indemnity, or Life, againſt him that will venture *falſly* to accuſe him of Forgery, that the perſon had whom himſelf, perhaps, *juſtly* accus'd, I cannot conceive, but he may proceed as *boldly* in confidence of the *truth* of his Depoſitions, as if there were no ſuch Identity of Puniſhment annext.

But our Author again, has leſs reaſon to condemn his Accuſers there; ſince the Subjects of that Nation are more particularly bound by an * Act of Parliament, that declares it their Duty, to depoſe upon Oath, when call'd

*Car. 2. p. 2. Seſſ. 2. cap. 2.

call'd by Authority, their knowledge of any Crimes againſt the Publick Peace, and more eſpecially, for correſponding with *Fugitives* and *Rebels*; ſo that ſuppoſing their *Teſtimony* true, which being upon Oath, we muſt have as much Charity for, as our Author's *Proteſtations*, they could not avoid, both by their *Law*, and *Allegiance*, to *teſtifie* all that they knew; and till they are made appear by Reciprocal Oaths, and as ſtrong Circumſtantial Evidence, to have given in falſe Informations, they cannot be *lookt* upon as * *Calumniators*, much leſs, *puniſht accordingly*. * Pag. 1.

And here I cannot but take notice of another convenience his Law does allow him, though the manner of his Proceſs is ſo injuriouſly reproacht. I am ſure it is a defect in our own, and which nothing but the tender regard to the Soveraign's ſafety can excuſe; and that is, the having the Evidence for his *Innocency*, ſworn *againſt* the King, as well as that which *for* the King is brought to prove the *Guilt*; for Judges, or Jurors, (whatever is pretended) muſt be more influenc'd by that regard that is given an *Oath*, than to the bare Teſtimony of an Evidence that lies under no ſuch Obligation.

I ſhall not poſitively take upon me to define whither by the Practiſe of *Scotland*, it is abſolutely neceſſary to *ſpecifie* the *particular* Laws, upon which a *Citation* is founded, our Inditements we all know; ſet forth only in *general*, and *contrary to the Statute in that caſe provided*: And I cannot imagine, but that the ſame Learn'd Advocate, who in his *firſt* Citation did ſo largely ſet forth in ſo many ſeveral Statutes, the Crime that affected him; could (had it been abſolutely neceſſary) have omitted it in the *ſecond*, ſince they need not have been ſo far to ſeek for any *Special* Law, when ſome of *Vid.* Vindication page 2.

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the former that were cited, would have ſerv'd alſo for this, for the *declining of the Soveraign Authority*, and *putting Treaſonable Limitations* upon *the Prerogative of the Crown*, or *upon their due Obedience*, and *Allegiance*; is by an Act *Car.* 2. made *Rebellious* and *Treaſonable*, and if ſo, an entire *transferring this Allegiance*, and renouncing all Obedience, will amount to more than a meer *limitation* of it, and the *declining* of his Authority, is by an expreſs Act of King *James* made *High Treaſon*; which by the ſame *Tranſlation* of *Allegiance* it muſt *rationally*, as well as *legally*, be concluded, he does *decline*.

2 Act. 1 Seſſ. of *Car.* 2.

8 Parl. *Jam.* 6.

But it is obſervable, that in this ſecond *Citation*, to which he excepts, he is proceeded againſt by the *Advocate*, upon the *Common Law*, *Acts* of *Parliament*, and *Municipal Laws* of the Kingdom, which *general* Form is not us'd in the *firſt*, and ſo may ſuperſede any *ſpecial Law*, being ſet forth; as it is uſual among us when Men are Indited at *Common Law*, there is no need of any *Statutes* being expreſt; but ſince our Author deſires *ſpecial Law* ſo much, I think there are many other Statutes of that Kingdom, that I am afraid, will affect him too much, if this Expedient of *transferring Allegiance* be but once found to fail him, and it is *thoſe* that * ordain, that no perſon preſume to *ſpeak*, or **Write**, on *purpoſe* to *Reproach*, *or ſlander the King*, *or the Government*, or *miſconſtrue their Proceeding*, *whereby diſlike may be mov'd between the Prince and his Subjects*, *and this upon pain of* **Death**: I am afraid many of our Authors *works* will riſe up in *Judgment* againſt him, where this is to be made the matter of his *Proceſs*.

Vid. Vind. p. 2.

* *Vid.* 1. 3. 4. Act of Parl. K. *James* 6. *Vid.* 10. Act 10. Parl. *Jac.* 6. all expreſt in the firſt Citation.

In the next place, it is plain by this *Citation*, that even in *Scotland*, there may be *Treaſon* by the *Common Law*, and where by *that* it is ſet forth, I humbly conceive,

ceive, there needs no more *particular Law* to be *ſpecify'd* than with us in *England*, for by common Law, even *there*, can be meant no more than what our *Coke* makes it *here*, *common Uſage*; and if I miſtake not, a * Learned Lawyer of ours from the Conceſſion of their own * Countryman whom he cites, is of the ſame Opinion; ſo that this Authors Argument, will in ſhort, reſolve it ſelf into this Interrogatory, whither of that which *Common Law* makes *High Treaſon*; a *Special Law* is required to make a Man *guilty*?

* Duck. de Authoritat. Lib. 2. c. 10.

* Jo. Leſlæ. de moribus Scotor. Lib. 1. C. Leg. Scot. Conſtat autem jus Scotorum ſicut & Anglicanum, ex *conſuetudinibus* Scotiæ.

SECT. III.

THe Dr. in the next place obſerves, *That no Similitude of hands is in Criminal Matters* admitted of for proof in *Scotland*, and that ſuch Evidence is but a *general preſumption*. I confeſs, we have here in *England*, the Lady *Carr*'s Caſe againſt it, and Mr. *Sidney*'s, and ſeveral others, in which hers has of late been always overrul'd; but whither they have any Preſident for it in that Country cannot aſſert, but if it be of any Authority, that which a Learned * Author obſerves upon the Authority of the Civil Law in *Scotland*, that in their Adminiſtrations of Juſtice, they are ty'd to their *Municipal* Laws, and where that is deficient, to be guided by the Civil, then any one Criminated for High Treaſon, there muſt expect but little favour, eſpecially in

Ibid. pag 2.

Vid. Tryal.

* Duck de Authoritate. Lib. 2. C. 10. Conſtat ex rerum Scoticarum Scriptoribus, in Judiciis, ad leges ſuas, & poſt eas, ad jus Civile teneri.

matter of *Evidence*, and *Presumption*; for though the *Imperial Decrees* are as tender of the Life of a Man, and have as great a regard to innocency, as any Laws we have in *England*; though they say too, *That it is much better to spare the* Guilty, than Condemn an Innocent; though they generally give it in the * Negative, That *no one can be condemn'd upon Presumption*; yet in their Crime of *Lesæ Majestatis*, they all say 'tis *excepted*; and their very Sons and Servants upon a *bare presumption* of their Guilt shall be Condemn'd; and this *Lese Majesty* is a term not altogether an *Alien* to the Laws of *Scotland*, but what I am sure *there* is in frequent use, so that it may be possible, even according to the *grounds* and practise of the *Scottish* Laws, to find a Man guilty, upon smaller proof, than our Author may imagine; and if he consider the many Acts of Parliament that were past, even in the Reign of their first *Protestant* Prince, King *Jam. 6.* (and I hope hee'll condemn nothing of the Reformation) *that* declar'd, and ordein'd what was *High Treason*, even in the *largest* extent, and all which are (I think) sufficiently *specify'd* in his * *first Citation*: Then I humbly conceive, hee'll have less reason to complain of the severity of his Prosecutors, and the Injustice that is done him.

* Satius est Impunitum relinqui facinus nocentis, quam innocentem damnari. Sic inquit Ulpianus, Divus Trajanus Severo rescripsit. *D.* 48. 19 1. 5. Zouchei. Quæst. & c. 9.8. *Vid.* etiam, ejusdem Element. par. 7. Sect. 9. *Vid.* Legem Juliam. Inst. Tit. 18. Lib. 4.

* *Vid.* 1.3.4. Act 8 p. K. *J.* 6. 10 Act 10 p. of K. *Jam.* 6. 144 Act 12. p. of K. *J.* 6. with several of some other Kings.

I have this further to offer, it is expressly provided *there* by * two several Statutes and * Acts of Parliament; that to Write in *Reproach* of the *Kings Person* and *Government*, † or by Writing, to put *Limitations*

* 10 Act 10 p. K. *Jam.* 6. and 2 Act 2 Sess. 1 p. K. *Ch.* 2.

† The Earl of *Orkney* was Condemn'd for *signing* a Treasonable Paper of *Combination* with his Neighbours at home. *Treason* by *Ja.* 6. p. 10. Dr. *B. signs* his League and Alliance with Forreign States. *Treason.* 1 *Car.* 2. p. 1. Sess. 1. c. 5.

upon

upon their due *Obedience* and *Allegiance*, ſhall be adjudg'd *Rebellious* and *Treaſonable*; if this by *their* Law is *Statuted*, or *ordained* (as certainlyit is,) this *Similitude* of *hands* muſtbe allow'd a *Proof*,or the Intention of the Law muſt be utterly *Inſignificant*, for it is Morally impoſſible in ſuch caſes to give in any other Evidence; it cannot be imagin'd that thoſe who make ſuch *Treaſonable* Conſtruction with their *Pen*, will permit any perſons to be preſent at the *Penning* it; * and then all *Laws* will allow *that* for Evidence, where *greater* cannot be had, or expected: And I cannot ſee, why a *ſerious* Letter, *ſolemnly* ſent, under his *own* hand, to a *Publick* Miniſter of State, about an affair which all the World knew himſelf *ſolely* concern'd in, ſhould not be accounted one of the * *ſtrongeſt Preſumptions*,and which our Law too calls the *fulleſt Proof*, and this violent preſumption; in his caſe, I humbly conceive, was founded, as it ought to be, that is,†on *juſt Cauſes* and *Circumſtances*; for certainly, there was *juſt Cauſe* that gave them to believe, that *our Author* was the *Author* too of that Letter to my Lord *M.* and many Circumſtances that ſeconded the belief of it,ſince he *there* repreſents the very *Cauſes* of his Writing exactly conſonant with the Proceedings here, and ſince it might well be imagin'd from the nature of its Compoſition, that none but Dr. *B.* was the Writer, ſome things are ſo *notorious* that they need no proof even by * Law, and our Author would have been loath that any ſhould have doubted it,from the *peculiar* excellency of the Style, and the reputation that himſelf ſays, his Works have gotten in the World.

*Præſumptiones graviſſimæ ſufficient ad pœnam capitalem, ſi delictum ſit occultum & difficilis probationis: Julii Clari ſententia. *Vid.* Zouch. Quæſt. prædict.

* Violenta præſumptio eſt plena probatio, ſays my Lord *Coke*.

†Violenta præſumptio infertur ex juſtis cauſis & Circumſtantiis. *Vid.* Zouch. El. de Evidentiâ cauſæ. c. 9.

* Notorium probatione non indiget. Baldus adC. 2. 2, 7.

It

It may not perhaps, be here too impertinently obſerv'd, that the ſending theſe Papers to a *Publick Miniſter* of State, made them from his hands ſo many *Publick* * *Inſtruments*, when communicated by the *Secretary* to the *Advocate* of *Scotland*; and I know ſome Laws that ſay ſuch Evidence is as good as a Depoſition upon Oath; and as our *Common* **Law** calls it in other Caſes; ſo this may be here call'd a *Civil* **Record**.

* Eandem fidem obtinet, fides Inſtrumentorum quam depoſitiones teſtium, maxime ſi ſint publica. C. 4. 21. 15.

In ſhort, the ſole Queſtion will be, whither in this Controverted Letter; and Papers, that were ſent to the Secretary, there was any thing contain'd that* *reproacht* his *Majeſty's Government*, or *limited our Authors Allegiance*; when it threaten'd a *ſlanderous Recital* of the *affairs* of the Kingdom, and declares his *Allegiance actually tranſlated*; which the two recited Acts do *literally* declare *rebellious* and *treaſonable*? or whither they are only ſome* *ill choſen Expreſſions*? for which we have only the *Preſumption* of Dr. *B.* (and if *general Preſumptions*, as he ſays, are no proof, much leſs can a particular one be ſo) eſpecially if you conſider him, as a Party concern'd, and that no Law will allow him to* *teſtifie for himſelf*: This *ill choſen Expreſſions* is ſuch a modeſt mitigation of what his *Scottiſh* Law calls *High Treaſon*; that I cannot help my ſelf to ſuch another Inſtance of *civil Excuſation* and Apology, than that which another Celebrated Author, now an Inhabitant about the ſame Provinces, and probable, correſpondent with *ours*, (though we do not hear of his *Allegiance tranſlated*) made for a Doctor too; but one whoſe *Works have leſs reputation in the World*, who was pleaſed (upon the conſideration of the contrariety and Contradiction of *Oat*'s in his Evidence and Diſcourſe) to grant that* he was a little *Apert and Incurious in his Converſation*; an *Apertneſs & Incurioſneſs* which the *Statute* has been ſo bold

* *Vid* Letters, and Papers.

* *Vid.* Vind. pag. 1.

* Nemo Idoneus teſtis in re ſuâ intelligitur. *Vid. D.* 9 22. 45.

* *Vid.* Mr. *Hint*'s Poſtſcript. p. 41.

bold as to puniſh for *Perjury*; ſuch a faculty has the fame of an Author, or the *quaintneſs* of his Style, to give a *Politer* turn, to thoſe *unpoliſht* terms, and *rigorous* Expreſſions of *reaſon* and the *Law*.

The next thing that falls in our way, is ſomewhat of the ſame *nature*, and which he would ſo *ſoftly* inſinuate, that the being declar'd in the *Writ* a *Rebel*, does only intimate, that he is *Contumacious*: Had our Author's Caſe indeed, been only the refuſing to pay his Debts; and the *King* only been his Creditor, I confeſs, I could then have had *milder* thoughts of the *Rebellion* that is imply'd in his *Letters* of *Horning*; but ſince it is ſo far from *that*, that the Doctor declares, he *owes* his Majeſty nothing, not ſo much as *Allegiance*, which their Laws declare *Treaſonable*; I am afraid there is ſomewhat more that affects him, than barely but a *formal Contumacy and Contempt*: It is the *matter in the Citation*, with ſubmiſſion to his more *peculiar* opinion, that empower'd his Majeſty to demand his puniſhment or ſurrender from the States, and not his being pronounc'd Rebellious at *Edinburgh*, or the *Peire* of *Leith*; it is not for the *Rebellion* in the *Writ*, but for the *Treaſon* that the *Citation* contains; which I humbly conceive, by his Non-Appearance for the ſpace of a whole Year, he has Convicted himſelf of: I fancy he had made a better Parallel of this *Scotch Horning*, had he compared it to our *Engliſh Outlary*, and inſtead of putting it into the *Chancery*, had brought it into the *King's Bench*; *Writs* of *Rebellion*, we all know, are *Matters* of *form* with us in that Court; but no one will agree *here*, that when a Man is *Out-law'd* for *High Treaſon*, he is no more a Criminal, than he that runs into *Holland* for fear of an *Execution*, by the *Bayliff*, and not of the *Hangmans*. It was the misfortune of a || friend of *His* whom

Vid. Vindication p. 3.

Vid. Ut ſupra.

|| *Vid.* His Reflexion on *Varill* p. 55. Sir *Tho. Armſtrong's* Caſe.

whom he would make to be *murder'd*, to meet with the *difference*, and yet *Juſtice* too; whatever have been our Authors *injurious* and multiply'd Reproaches, almoſt in every Print, upon the *juſt* * Judge than then Preſided: The peculiar reſentment of our Author, and that perhaps, for ſome juſt diſappointment, has ſo plainly occaſion'd thoſe *unjuſt* and repeated Reflections on that Loyal Peer, that as his Honour and *Integrity* ſuperſede all Vindication, ſo this Authors defect of *Sincerity*, is betray'd beyond defence, and the reſult only this, that his Lordſhip may be ſaid to lie *much above* thoſe *lew'd* Calumnies, and but *little* **Under.**

* Much leſs Reflection on a *Chief Juſtice* was adjudg'd a *Libel* with us, in 18 *Ed.* 1. 3*d.* Inſt. c. 76. and by the Laws of *Scotland* for defaming a *Judge* falſly to be puniſht at the King's Will. *Fam.* 5. p. 7. c. 104.

SECT. IV.

BUt for all what our Author does ſo *plauſibly* ſuggeſt, doubtleſs, there muſt be a great deal of *difference* between a *Criminal Proceſs*, and a *Civil Action*; which if there be, then the Iſſue that is directed thereupon, though in *formality* it may be the ſame, muſt in *matter* and *ſubſtance* greatly *differ*, and the Conſequences that attend it, as I have toucht upon before, are of as *different* a nature; which when the term is elaps'd, the one will *only* affect your *Eſtate*, the other both *that* and your *life*; for though in *both* Caſes you loſe the *benefit* of the *Laws*; yet when the Crime is *High Treaſon*, you may more properly be ſaid to *forfeit* the *Protection* of the *King*; but for that, our Author had provided for before

before hand, and from his own * Maxims anticipated that forfeiture, by the *renouncing* his *Obedience.*

* *Vid.* Six Papers, pag. 39.

But further, I am well inform'd, that though the Dr. would make all his Proceſs to be but a *formal* Citation; and that there is no cognizance taken of the *matter* it contains, that even in *Scotland*, a *Citation*, and *Inditement*, are indeed the *ſame* in ſignification, tho' they are two different words. The *firſt form* they are forc'd too, when the Criminal abſents himſelf; and the *ſecond* (though the ſame in *ſubſtance*) in the *form* of a Libel, he's to plead to when in Cuſtody: Had the *Citation* expreſt nothing of the Crime, then I confeſs, our Authors Arguments had been better apply'd, but I cannot conceive now, without the greateſt Abſurdity, how a *Citation* can be iſſued out, *expreſſing* the *Matter*, and yet no *Cogniſance* to be taken of the *matter* it expreſſes; if a *Citation* be a *Judicial* Act, then ſure what is therein contain'd, is as *judicially* taken *notice* of: But though this *ſecond Citation* ſeem ſo ſurpriſing to him, he cannot be ſuch an only Stranger to his own *Jeruſalem*, as to *know none of theſe things*, unleſs the *flying into Egypt* has made him an utter Alien to the *Common-wealth of his Iſrael*; nothing is more common in his Country, then that the King's Advocate when he diſcovers ſome new Matter of Fact againſt the Criminal, to iſſue out a *ſecond Citation* for his Appearance? This is call'd an *Additional Libel*, in which there is no need to aſſert, and ſet forth any *Special* Law, becauſe it uſually refers to the *firſt*, in which the Laws are *ſpecify'd*; and ſince our Author ends this *Citation* with *an &c.* we are left in the dark as to the latter *end* of it; and perhaps, he may as unſincerely have left out ſome of the *beginning*; but though he had been more ingenious; and this *laſt Citation* had no reference to the *former*, ſome that *underſtand the Law of* Scotland *too*, do not agree with our

Vid. Vind. p. 2.

Ibid.

Authors *Informers*, but are of Opinion, that where the King's Advocate does accuſe a Perſon of a Crime, that is in its *own* nature *Treaſonable*; and what implys the Pains and Puniſhment that is due to *Treaſon*, that then it is time enough for the Advocate to ſet forth the *Special Law* for it at the Bar, and the Judges will as certainly find the Libel, or *Inditement*, **Relevant**, which is like our Grand Juries in *England*, finding of the *Bill*, and this practiſe (if I miſtake not) of naming no *particular* Act or Statute in High Treaſon, is as uſual with us here, it runs through all the *forms* of our late Tryals and Inditements, which only mention *againſt the Statute, in that, or the like Caſe provided*, and leave it to the *Attorney*, which is but another ſort of *Advocate*, or the *Judges*, to declare what *Statutes* they proceed upon; but becauſe *general Aſſertions* may be no proof with ſome that will diſpute any, tho' the thing has been ſo often objected by the Priſoners, in all our late Proceedings, and always ſo anſwered by the Judges, yet our Author will particularly find Mr. *Sidney*, a Man of no eaſie temper to be ſatisfy'd, to be forc'd to ſubmit to it; and this *Judge*, that our Author has ſo *injuriouſly* defam'd, to tell him as much **Juſtice**, *That when he came to his Tryal, the Attorney might tell him what Statute he went upon, and give in Evidence any Act of Parliament that comprehends Treaſon*; and as the *Scots* did of *old* Symboliſe with us, from the Vicinity of the Countrys, ſo ſomewhat in their * Laws and Conſtitutions, as well as with the more *antient* of the *Romans*; ſo I were almoſt aſſur'd that even in this *modern* practiſe which our Author diſputes, we might have ſomewhat of agreement too, which I would not venture to affirm poſitively, till I were by a Perſon of *Honour* and *Ingenuity*, and of the *ſame* Country further aſſur'd; neither is it improper to this place to obſerve, that though our Author

* *Vid.* his Tryal, pag. 7.

* Their Books of Reg. Majeſt. much after the manner of our Glanv. de legibus. So alſo their Parliam. like ours. *Vid.* Duck. de authoritate. lib. 2. cap. 10.

Author inſiſts on the inſignificancy of the Term *Rebel* in the *Letters*, or *Writ* that declare him ſo, for his Non-Appearance; that it may *there* have a double ſignification, both with relation to his Contempt to the Laws, and the Crime that he is charg'd with againſt the Prince, the *Univocal* ſound of the ſame *word*, will never do him any Service in his *Æquivocal* Interpretation of the *Senſe*; and the little kindneſs that he has to the **Society** one would think ſhould make him as afraid of an *Æquivocation*, or a *Mental Reſerve*, as of the very *Maſs* it ſelf; yet ſuch is his reaſoning, notwithſtanding that Antipathy he has againſt the Name; for this is plain, that the Demands that were made of him, from the States, is founded upon the *Matter* and *Subſtance*, and not the *formality* of the Word; for where it is *formally* us'd in *Civil Actions*, there *Letters* of *Relaxation* are granted to the Partys if they ſatisfie the Debt within a Year and a Day, and ſo acquitted, which ſhews that the Term *Rebel*, is there meerly us'd for *form*; but where in the other caſe he is a preſum'd *Rebel*, both by *Matter* and *Form*; there, though he be *Relaxt* of his *Letters* of *Horning*, by his *Appearance*, yet he might be *hang'd* for a *Rebel* after he *appears*; and I ſuppoſe, that may be one of the Reaſons, why the Reflecter ſtands out in *Contempt*, but then he ought to have conſider'd further of what follows in his Country uſually in ſuch caſes, which makes a greater difference; that after the *publication* of theſe *Letters*, and a year elaps'd; in his caſe, the King's Advocate can iſſue out another ſort of Writ, call'd Letters of *Intercommuning*, whereby all the Subjects of that Kingdom are forbid to *converſe* with him, to ſupply him with any Neceſſaries, upon the Penalties of *High Treaſon*; and this to extend, not only to ſuch of the King's Subjects as reſide at *home*,

but to any that are Inhabitants with him in *Holland*, or if he had *transſlated* himſelf and his *Allegiance* with the *Hollanders* to *Japan*.

So that from this it will appear, that even by the *Law* of *Scotland*, a Man (againſt whom the *Writt* of *Horning* is directed, importing *High Treaſon*) is a **Rebel** of an *higher* nature, till he come and take his Tryal, and that before the *Letters* of *Intercommuning* are iſſued out; & though Terms in Treatiſes are to be taken in the common acceptation (as our Author tells us) not as in Courts of Juſtice, yet * *Grotius* will *tell him* too, that there is alſo a great Liberty to be allow'd to conjecture in Homonimous Expreſſions, and Amphibologys, and that Terms of Art, ſuch as *Majeſty*, and *Parracide*, and we may add, *Rebels* and *Fugitives* muſt be all explain'd by Men moſt *skill'd in the Law*.

* Lib. 2. c. 16. Sect. 84.

But becauſe there can be no fairer way of dealing with your Adverſary, but by confuting him even from his own Conceſſions, (for Arguments that are Diametrically oppoſite, do but in a more Eloquent manner, give one another the Lye) wee'll ſuppoſe with him for once, that theſe Letters that denounce him a *Rebel*, mean nothing, but that he is a *little Contumacious*, that they are meerly but ſo many *Writs of Rebellion*, which here that Honourable Perſon he ſo reviles, does many times iſſue out of Chancery; wee'll ſuppoſe our Author *retir'd* into *Holland*, only for ſome *diſorder in his affairs*, or for a little imaginary Debt; yet even in *thoſe* very *Civil Actions*, the Laws of Nations allow ſuch a Latitude, that *Letters* of *Requeſt* may be made to the *Forreign State*, and if they are deny'd, thoſe of *Repriſals* may be granted; and if *Private Subjects* have ſuch Remedys, it will be hard to deny a *Prince* to demand ſatisfaction for a *publick* offender; and the *Dilemna* was never

Vid. Rolls Abridgment, fol 530. a Caſe to this purpoſe.

never ſo much as doubted; but that a *Tryal* was to be order'd by the *Forreign State*, or the *Criminal* ſurrender'd to the *offended* one; I gave our Author ſeveral Preſidents for theſe Proceedings; but he that pretends to *anſwer all*, left them *all unanſwer'd*; I ſhall preſent him more of the ſame nature, when we come to a more proper place, but it is ſomewhat more appoſite here, ſince he would make his *Treaſon* but a ſort of *Civil Action*, and himſelf no more than the *King's Debtor*; to tell him, that in *Edward* the Second's time, ſome Merchants of *Florence* having receiv'd the King of *England's* Rents, run away with the Money to *Rome*; the King ſends his *Requeſt* to the Pope, demands the Goods to be ſecur'd and their Perſon ſeiz'd, and neither of them deny'd. The like was done to one that fled into *Lorrain* with 500 *l.* of the King's Money; the Duke upon demand, ſeizes the Perſon, and ſecures his Goods where-ever they were found, till he had ſatisfy'd to the full, ſo that I hope from hence may be concluded, that even a *Man that does not* * *pay his Debts*, or *retires into* Holland, only *for a diſorder in his Affairs, may give our Government a right to demand him*: For if it be granted in the Caſe of a *Forreigner*, it will be good in a *Native's*, *a fortiori*.

Vid. Parliam. Pacif.

* *Vid.* Vind. pag. 3.

To ſumm up all the Subſtance of this Point, It ſeems very ſtrange, that the Proceedings of the *Juſtice* in *Scotland*, ſhould *be* ſo Arraign'd, *where* the *Laws* are ſo favourable to *Offenders*, as to make the very *Judges* the greater *Criminals*, if they ſhould offer to do the leaſt *wrong*, and *Injuſtice*, and liable to the moſt * rigorous Puniſhment; *where* the Witneſſes are in ſuch danger for their given *falſe* Evidence, that they expoſe themſelves to the Puniſhment of thoſe they accuſe, if they can be ever convicted of the *Perjury* and *falſhood*, and that

* Jam. 1. p. 2. 6. 45. Jac. 5. p. 7. 104.

that whither it be *Pecuniary*, *Corporal*, or *Capital*; and *where* by *particular* * Act, *Calumniators* in *High Treason*, are (if the *accuſed* Party be acquitted) *guilty* of the *ſame* Crime, expos'd to the *ſame* Puniſhment. And it will be no eaſie matter, when they are expos'd to ſuch terrible Conſequences for the *Perjury*, to procure *Knights* of the *Poſt*, though it were to ſerve even an Intereſt of State; * *to faſten pretended Crimes* (*as our* Author has it) *on thoſe they have a mind to deſtroy*: There is a *Society* our Author has a mind to *deſtroy*; and I think ſome of the Members, not long ſince, were as *miſerably deſtroy'd*, for want of this Severity with us, againſt ſuch Profligate *Evidence* as accus'd them: The Dr. knows this to be *true*, and is ſo far for *verifying* it, that he would have his * *Accuſers accordingly puniſht*, even before they are Convicted of any *falſhood*, and himſelf not ſo much as *try'd*, or *acquitted*.

Jam. 6. 11. p. c. 49.

* *Vid* Six Papers. p. 49.

* 1. Note. That the ſecond Citation does not invalidate the firſt, much leſs prove the Witneſſes forſworn, and he confeſſes, that the Matter agrees with the former, *Id.* p. 3.

Thus have I done all that *Juſtice* to a Nation, even in its *Judicial* proceedings, that they could expect from a *Forreigner*, from his *little* Learning, and *leſs* Examination into their *Laws*, which he found, even upon that *little* he has made, both agreeable with the ancient *Roman Equity*, in many things Conſonant with our *own*, and in ſome caſes recited already, beyond *ours*; more equitably *Juſt*, ſo it will ſeem ſomewhat harder to be born, that this Nations *Juſtice* ſhould be ſo much *arraign'd* by him that is their own *Criminal*, but becauſe our Authors wonted Vanity, may not arrogate the inglorious Fame, of being the firſt Invader of the *Judicial* Proceedings of his Country, he has only borrowed from

from * *Buchanan*, that went before him; who has told the World that their *Judges* were but ſo many *Interrupters* of *Juſtice*, *that the Subjects property depends only upon their Arbitrary power*, and that the *Government* is *truly Tyrannical*; & ſuch a courteous Hiſtoriographer to his Country (as he may be well call'd, an *Original*;) ſo it was our Authors *Peculiar* to *tranſcribe* him, and could never have been *Copy'd* by a better Hiſtorian.

* Judices quantum in ſe eſt, lationes legum impedire, civium bona Judicum arbitrio eſſe conceſſa: eorumque eſſe perpetuam poteſtatem;

Imperium plane Tyrannicum, Buch. lib 14. Rerum Scotic. ad Ann. 1582.

SECT. V.

THe Memorial of the Marquis *de Albeville*, I cannot pretermit without ſomewhat of Vindication; though the Miſſive of Mr. *Fagel*, that was given him againſt my *own* Works, I more willingly paſs by; our Author when he not only reflects upon that Inſtrument, but ridicules it, tranſcends not only the bounds of a modeſt Writer, but parts with all deference to a Crown'd Head, as well as his *Allegiance*; the Character of an Envoy is the moſt immediate repreſentation of the King, and every Act of his, but another of the State; and whatever Liberty our Author pretends to, their Lordſhips might have had more Honour than to ſuffer the *Memorial* of his Majeſty of *Great Brittain* to be *Burleſqu'd*;

* *Vid.* Vind. pag. 3.

* *Vid.* Their Extract, out of their Regiſter, on the King's Memorial, An. 1664. Anſwer'd by Sir *G. D.*

but

but by them it may be better excus'd, ſince it has been ſo much their practiſe before, or I muſt ſuppoſe, as Dr. *B.* does in his Satyrs and Sarcaſms upon the King, †that even this was done without their knowledge; and that though the Author has ſubſcrib'd his Name.

† *Vid.* 6. pap.

The ſubſtance of the firſt *Memorial* (as himſelf has * *abſtracted* it among the Reflexions he has made upon me; I ſhall in ſhort reſolve into theſe three Interrogatories.

* *Vid.* Abſtr. of the K. Memorial in Vindicat. p. 3.

1. *Whither our Author has defam'd the King and his Government, and repreſented him as a Perſecutor, and his own life in danger?*

2. *Whither by Law, any of the Kings Subjects could ſeiſe abroad on Criminals to our State, in what manner ſoever?*

3. *Whither the States ought to have puniſht our Author, and his Printer?*

As to the *firſt*, whither the **King** *has been defam'd by him and the* **Government**? If the Queſtion be taken in general terms, it might as well be doubted, whither we had any **Government**, or **King**? and after *all* thoſe elaborate Libels that have been publiſht; moſt of which, himſelf has own'd; and for the reſt no more Moral Evidence can be deſir'd to aſcertain them to be his: It would be an affront upon Humane Reaſon to diſpute it. Has not the Juſtice of the Nation been arraign'd by him in all its Proceedings ſince his Majeſty's Reign? have not his * Miniſters of State been made the moſt fearful Mercenaries? have not the Judges on the *Bench* been repreſented by him in the Sayings of Mr. *Sidney*, as ſo many *Blemiſhes to the Bar*? Has not the *Scarlet* of thoſe *Twelve men* been made by him almoſt as Criminal, as

* *Vid.* Six Papers page 1. *Id.* p. 3.

if

if it were only the *colour* of their *guilt*, inſtead of the *Badg* of their *office*? Has he not charg'd them plainly with *Corruptneſs*, or *Ignorance*, *Infamy*, and a Scandalous Contemptible *Poverty*; as if he had made uſe of his own Province and Sacred Function *for the* defaming of his Soveraign and Prince, and would have apply'd his Text of making his *Judges of the Land out of the meaneſt of the People*: Has he not threatned them with the Exaltation of *Treſilian*, and fated them to a further Promotion, that of being Hang'd? Has he not in the moſt opprobrious terms expoſed the Chiefeſt Miniſter in the State, pronounc'd his executing of Juſtice a *Campagne*; an *Act of Hoſtility to all Law*, his ſerving His Majeſty; an *outragious Fury*, and his Zeal for his *Soveraign*, but ſo many Brutal Exceſſes: Are not the King's Counſellors * curſt, for a few Creatures whom the *Court* has gained to betray the *Kingdom*? I am ſure he has met with no ſuch *foul Language* in all our Animadverſions, tho' I may modeſtly ſay, it might have been better laid out upon him, than where he has beſtow'd it. Is there, in ſhort, any part of the Government that he has not traduc'd, or any of its Proceedings that are not moſt ſcandalouſly repreſented? If this can be called a *defaming* of the *Government*; or if in the worſt of Times the *Government* was never ſo *defam'd*, then *that Word* in the *Memorial*, was not ſhuffl'd in *with haſte*, unleſs it were becauſe the multiply'd Reflections were ſo notoriouſly plain, and there was no need to *deliberate* whether the Government was Libell'd.

Vid. id.

Vid. id. p. 22. P. 33.

* Id.

* Vid. id. p. 24.

Vid. *Vind.* p. 4.

Then for what Reſpects the *Defamation* of the *King*, (whoſe Reputation, I ſuppoſe, might be ſufficiently wounded through the ſides of his Officers, and the Blemiſhes he has caſt upon the Adminiſtration of

Affairs) but our Author's Sublime would have been loſt in the Condeſcention, had it reſted there, and not reach'd at the Throne, and the Perſon of his Sove-
Vid. *Six Papers*, p. 1. raign; and repreſented him as a *Deſpiſer of all Fame*, and as an *Heroick Practiſer* upon ſome few *fearful Mercenary Spirits*. Not a Declaration (which His Majeſty makes his own Act by ſigning it,) but by him in the ſevereſt manner has been Satyris'd, and his Sacred Word in every one of them expos'd with ſcorn and deriſion.

* Vid. *Six Papers*, p. 9. The term of* *Abſolute Power* in the *Toleration* to *Scotland*, is repreſented as a Roman Piece of *Tyranny*;
* *Merc. Polit. Numb.* 67. 79. and he might for once, with *March.* * *Needham*, in his *Mercury*, made his King another *Tarquin*; or with
* Vid. His Tryal. Mr. *Sid.* in his *Politicks ſome *Caligula*, as well as *Legibus Solutus*. But I muſt tell this outragious man,
* 1 *P. Car.* 2. That this *Abſolute Power* is no ſuch *new Term* in the *Scotch Law*, and that there are particular * Acts of Parliament for the declaring of the Prince, *Soveraign* and *Abſolute*: But this deſcant upon the Point muſt be carried to that height of Defamation upon His Majeſty, as if he had renounc'd Chriſtianity it ſelf, and no Oaths were able to oblige him; and his being to be
‖ Vid. id. p. 9. ‖ *obey'd* without *Reſerve*, was only to render him a *Turk*, as well as a *Tarquin*: I confeſs, thoſe his Repreſentations do carry it ſome *ſizes beyond* the Grand
* Vid. p. 21. * *Seignior*'s, and are a pretty Eſſay of his toward the Deſcription of a *Mahometan Government*: But as he is pleas'd to obſerve in another place, Did the *Obedience*
* P. 14. of the * *Bowſtring* obtain with all ſort of Subjects, ſuch Authors might well be ordered and obliged to *ſend in their Heads*. How is the Perſon of his Prince treated in thoſe diſhonourable Reflections he has made upon his ſitting ſome time ſince, as *his* Brother's Commiſſioner,

miſſioner, in * *Scotland*; where if *Injuſtice*, and *Ingratitude*, *Treachery*, and *Deſign*, be ſuch Charges as can blemiſh the Reputation of a Prince, *Harriſon* himſelf could never have *blackened his Father more*: But if we look back upon *England* agen, (for our Author thinks his Libels defective, if they do not villifie the King through all his Dominions, and they leave one of the Crowns untarniſh'd, or the leaſt Jewel of it without a Cloud.*) The *Additional Exciſe* (which thoſe that were more concerned in than this Author, never complained of) is by him made one of His Majeſty's Invaſions of Property; the Diſorder of Souldiers apply'd to the very Perſon of his Prince, and his Permiſſion. The Execution of ſuch as deſert their Colours, but ſo many Murders, occaſion'd by the King and his ſtanding Army, *in time of Peace*, and an attempt upon the Property, (as he will repreſent it) of the *Nation in groſs*; and all this *rank Sedition* aggravated under a *Satyrical Irony* and *affected Suppoſition* of its being all done *without His Majeſty's knowledge*.

* Vid. p. 13.

* Therefore *Ireland* is toucht upon too in ſome of his Papers.

Vid. *Six Papers*, p. 22.

And this, I hope, is ſufficient Proof that he has defam'd the Perſon of the King, as well as his Government, and that the Envoy did not commit an overſight *in* * *his haſte*, when he inſerted it. And theſe I think are ſuch rude Reflections, and ſevere Recriminations againſt the King and the Crown, that they are not to be defended from * Sedition, and the moſt dangerous attempts to diſturb the State, by any Pen, but that peſtilent one which makes them. The Service the Dr. does the Church of *England* by this prepoſterous way of befriending it, I am afraid will hardly be acknowledg'd by Her, for ſuch a Favour, unleſs She miſtakes Her Intereſt, out of a Zeal to promote it, and renounces thoſe loyal Principles *to* which ſo *long* She has

* *Vid.* Vindication of himſelf, p. 4.

* *Seditioſi ſunt qui plebem contra Rempb.* &c. C. 9. 30. Engendring Diſcord between K. and People, Treaſon and Leaſing-making, 10 *Act.* 10 *P. Fam.* 6. *Fac.* 1. p. 2. c. 43.

ſo *Juſtly* pretended: And I am ſorry to ſee, that by ſome of its Members the *Improvement* of ill Principles ſhall in the ſame man be applauded, which themſelves have formerly, when he was not arrived to that *pitch* of *Wickedneſs*, condemned, even in the *ſame* Perſon that has now amongſt many too much of applauſe. It is known, that our Author had once ſome of the Greateſt of its Pillars, that oppos'd his Preferment, || and himſelf complains of it too: And I hope it was upon that *good* Principle, that they found his to be but *bad*. His *Metropolitan* of *Scotland*, I am told, once was conſulted for his Character, when he firſt came out of his *own* Country, and he, I think, gave him none, that could recommend him much to *ours*, or the Church:

|| P. 6.

So that when impartial People ſee thoſe that he has repreſented for his * *Enemies*, and perhaps who well might be ſo, when as I am inform'd he let them know, upon their old oppoſing of the Bill of **Union** of Diſſenters, that he hoped to ſee the time that the *Eſtabliſht* Church might be glad of *one*, of **Comprehenſion** for *themſelves*, when they ſee thoſe ſo celebrate him for a *Friend*, and this ſame Perſon that was at ſuch *Enmity* with them, ſo wonderfully chang'd and endear'd, it will certainly give ſome occaſion to obſerve, That ſincere Honeſty can never conſiſt in *both* the Extreams; that if our Author was once ſuch an *ill man* with them, he can never be *meliorated* now, only by being *worſe*; and that either the Dr. and the *Church* were both in the fault, for their falling out *before*, or very much to be blam'd *now*, for *ſuch* a contradictory *Combination* and *Agreement*.

* *Vid.* Vindic. of himſelf p. 6.

But I know too, that many good men *ſtill*, of our Eſtabliſht Church, think D. *B. ſtill* to be the ſame man,

man, and that his unſeaſonable Services might have been better ſpar'd, ſince it is ſo plain, that his Pleading for the *Church*, proceeds from the opportunity that he takes by *it*, to maintain his own Quarrel, and to libel the *State*, and that the *defending* of the *Biſhops* now with ſuch an *unwonted affectation*, is only done for the *defaming* of the *King* with the *better Grace*.

As for the other part of the Interrogatory, whither the King has not been by him *repreſented* as a *Perſecutor*, and to have *deſigns upon his life*; ſhall be made as apparent, and that it was *well* by the Envoy, put into the Memorial, and as *ill* by this Author, in his *Vindication excus'd*.

Firſt then, he muſt admit the Charge of this unjuſt accuſation of the King, or what will, I know, be more grievous to a man of ſuch applauded Parts and Performances at the Pen, His excellent ſtile, to be guilty of an incoherence and impertinency; for immediately after a long *Repreſentation* of his Suffering under a ſevere Proceſs, and which we know is alwaies at the Suit of the King, after he has repreſented himſelf ſo ready to ſacrifice his Life, after ſome Deſcant on the Evidence that were to teſtifie at his Tryal; then moſt *emphatically* follows, *That it is yet too early to ſet on a Perſecution for Religion*; *ſubſequent* words muſt alwaies have a Relation to their *Antecedent*, and a celebrated Hiſtorian can never be ſaid to forget his Grammar; neither can it be thought that out of reſpect to His Majeſty, he would violate any Rules in *Orthography*, who in many places, to defame him, has made uſe of * *Abſurdity* and * *Contradiction*.

Vid. *Six Paper*, p. 49. 50.

* The Liege Letter, an abſurd Fiction. Reflection on Q. *Mary*. and *Varillas*.

The lame and ridiculous Excuſation that he forces out even in ſpight of Senſe, and oppoſition to Fact, will not ſerve the Turn. * **Theſe Men** are two words that

* *Vid.* Vind. pag. 3.

† *Vid.* First Part of Refl. pag. 7, 8.

that will do him no more ſervice than the † **Still Seems**, and thoſe I think I have made appear, were not ſuch *ill choſen Expreſſions*, but a dulneſs of Apprehenſion, that made them raiſe ſuch a Duſt. It is plain by *theſe Men*, can never be meant as he would make us believe, of his Informers; for in the preceding Paragraph he clears all his Witneſſes, Evidences, and Informers, by their own Declarations and Subſcriptions, from being able to ſay any thing that could affect him; and certainly *theſe Men*, that he was ſatisfy'd, had nothing to ſay againſt him, were not thought by him to be *thoſe Men* that *intended to deſtroy Him.*

Vid. Pag. 20.

I will in this caſe make him a better Excuſe out of a *charitable Conſtruction*, than he has yet made for himſelf; I hope without that *foul Language* he lays to my Charge, I had convinced him in my former Animadverſions, how *fouly* he had fallen upon the King, and that may have made this laſt of his Papers a little more modeſt, and himſelf ſo far humbl'd, as to be pleas'd to give us a milder Interpretation of his Words, than ever was his Meaning in their firſt Compoſition and Original; for they being rang'd among the reſt of thoſe Papers that have ſo much of that unimitable boldneſs, in the blemiſhing of His Majeſties Perſon and Government, cannot be preſum'd to be more civilly meant: Our Author knows (if hee'll but pardon the Application of his Eccleſiaſtical Function to a Civil uſe) that it is the Practiſe of the men of his Profeſſion, to diſcover any dubious ſenſe of the Scriptures, or the Fathers, by having recourſe to Texts and Contexts, by conſidering the ſeveral Parts of the Works, how they cohære; and from ſuch Collateral Relations to make their moſt reaſonable Conſtructions; if I may therefore deal with the

* *Quære.* Whi. this may not be called Evil Information of the King to his Leiges, which is Leaſing making by the Laws of *Scotland.* Jac. 5. p. 6. c. 83.

the Dr. in his own way, I hope to make it very plain; That by *Theſe Men* might be well meant by him, the *King*, and His *Miniſters* that had a *mind to perſecute* and *deſtroy him:* If he can paint Him as a *Terror* to his People, with his fearful Mercenarys, becauſe poſſeſs'd with his own Religion, may not he think, he may perſecute and deſtroy them for the ſake of theirs; and that when our Author in his repeated Reflections, has ſo barbarouſly obſerv'd, that for Religion it ſelf, * he muſt unavoidably do it; does he not apply the decry'd Perſecution in *France*, to the King of *England*, that Proclaims nothing but Indulgence; and that this * King, to countenance him, will copy after him; that his *Abſolute Power* may declare us Hereticks, to be burnt without *Reſerve*; has he not forc't the King's own Words of *Invincible Neceſſity*, to extend to Tortures, Dragoons, and Death it ſelf, where neceſſities are not invincible? And if by *theſe* muſt be meant only Informers to deſtroy you, how comes the Government it ſelf to be made Mahometan; and His Majeſty's * Oath that he has made to be adminiſtred in *Scotland*, but an Obedience of the Bowſtring, an Order to ſend in their Heads and *deſtroy* themſelves? I am apt to think our Author has forgot himſelf, when he would palliate and excuſe a Reflection upon the King, or that he may be ſurpris'd at the repetition of his own Extravagance.

* *Vid.* His Reflections, or *Parliament. Pacific.* 1 par. pag. 2. Six Papers pag. 2.

* Pag. 10. p. 14.

* Pag. 21.

* Pag. 14.

SECT.

SECT. VI.

THe next Queſtion that comes to be Conſider'd, is, Whether by the King's Laws, every one of His Subjects was warranted to ſeiſe on ſuch Offenders, in what manner ſoever? if ſo, then the Dr's. Exceptions are more *haſtily* made than the Envoy's Memorial.

Vid. 1 pag.

The ſeiſing ſuch Offenders, I had given him ſeveral Preſidents of before; but our Author that pretends to *Anſwer all* that concerns himſelf, has indeed left it *all Unanſwer'd:* By the Statute Laws of both Kingdoms (ſetting aſide the natural Leigeance that obliges them) the Subjects are bound to detect all ſuch as enter into any Treaſonable Conſpiracy againſt the King and Government, and cauſe their Perſons to be * apprehended, and that upon pain of being * puniſht as Principal Offenders; and this ſhall extend to all Subjects of the King of *Great Britain*, where-ever they reſide; and more particularly, by the Laws of *Scotland*, the Letters of *Intercommuning* extend to all their King's Subjects whatever Country they inhabit; neither will that Expedient of a *tranſlated Allegiance* excuſe them; neither can it be imagin'd from even our *own* Law, but that all Allegiance, and Obedience, is inſeparable even from thoſe Subjects that reſide in another Dominion, and even in the Service of a foreign Prince, ſince we have an † Act that makes it Felony for any to go to any Neighbouring State, or another Prince's Territories, without taking an Oath of Obedience to their

Vid. L. Coke Inſt.

Vid. *Fac. 6. p. 14. C. 205.

† 3 Fac. c. 4.

their own Prince; this my * Lord *Coke* extends to Democratical Governments, and Republicks, as well as Principalities; and that to those that go thither, even without any design of entring into Forreign Service, barely for omission of taking this Oath of Obedience, before they went out of the Kingdom; a Law though it has been look'd upon like a dead Letter, and so little executed, yet will serve to let us know, that this Precedent Oath was requir'd; to prevent the pretence of suspending your Allegiance by any forreign Naturalization, which though it may priviledge you in another State for the present, could never annull that Antecedent Obedience, that by your Birth you ow'd, and by your own Act had sworn to your Natural Lord; so that it supersedes all doubt, but that by the *King's Laws* all his born Subjects, wherever they reside, are bound to observe those Laws among themselves, and if such Offenders as our Author can be seiz'd by the King's Subjects at *home*; they are as much oblig'd and warranted if they have Power and Opportunity, in *what manner soever* to put it in Execution *abroad*.

* Inst. 3. c. 23.

Vid. his Abstract of the Memorial.

Where *Reason* and *Law* do Justifie such proceedings, it does almost supersede any Necessity to defend it, by Presidents, and Arguments, from Practise and Fact, but even for *that*, as we are not *deficient*; so we will not be wanting to produce them; though we had satisfy'd the *World* in it before, and one would think our *Author* too, since he has not offer'd to return to them the least Reply.

The Case of Dr. *Story* was so *truly* represented, Dr. *B*'s too, and yet no otherwise than the *truth* of the Fact, and that as it is related by *Fox*, so *truly parallel*, that I cannot discover the least *disparity*, unless it be in this alone, that the one is a famous Doctor in *Divinity*, and

13 Q. *Eliz.* 1571.

the other was only as Celebrated a Doctor in the *Civil Law*, which ſince our Author would not take notice of, when he was *anſwering all that Related to himſelf*, we will repeat it here a little more at large.

Vid. pag. 1.

Story was Impriſon'd upon Queen *Elizabeth*'s coming to the Crown, only for having been zealous in the concerns of his Religion, in the Reign of Queen *Mary*: The Famous *Fox* gives no other reaſons for it, but repreſents him (as you might expect) under the colour of *Cruelty* and *Perſecution*, though indeed he acted as a Lawyer, and an Advocate, and ſo could not be charg'd with thoſe Conſequences that attended his Vocation, no more than the King's Council in Criminal Cauſes can be ſaid to *kill* a Man whom the Law *Condemns*, or the Advocate in *Scotland* to Perſecute Dr. *Burnett*, becauſe it is he that Complains of him in the *Citation*: However, Impriſon'd as he was, he makes his Eſcape, gets over into *Flanders*, is *naturaliz'd*, reſides at *Antwerp*, acts by ſpecial Commiſſion under the Governour; but being reported here, to have animated *Spain* to ſome Hoſtilities againſt *England*, as our Dr. does the *Dutch* to * *reſentment* of *Injurys* which ſignifies the ſame, this by the Laws of Queen * *Elizabeth* her ſelf, being adjudged *High Treaſon*, and this having been Cardinal * *Pool*'s Caſe, who was accus'd for encouraging the Emperour to invade his own Country, *by writing of Books*, that made the King almoſt as *ill as the* Turk; or as our Author expreſſes it in his * upon our Kings *Abſolute Power*, by the * *Bow-ſtrings of* Turkey, and the *Mahometan Government*. Theſe things, (though acted beyond Seas, being in her Reign adjudged *Treaſonable*, as appear'd in the Caſe of *Patrick O Cullen*, an *Iriſh* Man, for a Treaſon at *Bruſſels*; (and our Author cannot with Juſtice, reflect upon any Reſolutions in her Reign, only be-

* *Vid.* 1 par. of Refl. p. 5.
* 13 *Eliz. Dyer* 298.
* *Vid.* 3 Inſt. c. 1. In Anglia ſparſum eſt ſemen ut vix à Turcico, *&c.*
* *Vid.* Six Papers.

Hill, 36 *Eliz.*

cauſe they juſtifie againſt him the Proceedings of the preſent ;) People then having theſe ſort of Judgments and Apprehenſions of Dr. *Story*'s Caſe in the Matters that our Dr. *Burnett* now diſputes in his own ; they contriv'd this Plot, that one Mr. *Parker* ſhould ſet Sail for *Antwerp*, being a Merchant, and by ſome *means*, *or other* (ſays *Fox*) bring over this Doctor into *England* ; and that is, as I humbly conceive, *to ſeiſe on him there in what manner ſoever* ; *Parker* repairs to *Antwerp*, and (as our Author phraſes it) ſuborned ſome Perſons to lie ſo far for the matter, (though it cannot be believed that they had any diſpenſation for it,) as to ſignifie to him there was prohibited Books aboard in the Ship, into which, when they had Deluded the Doctor, they as ſoon ſet Sail with him for *England*, where by the way I cannot but obſerve, that this Celebrated Martyrologiſt calls him *Traytor* and *Rebel*, even *before* he was *Try'd* ; but to his Tryal he was brought ; and there as I formerly repreſented, pleaded *his* * *Allegiance tranſlated from her Majeſty*, *to the Soveraignty of the King of* Spain, and *that* for ſeven *years ago* ; *that* he was his **Sworn Subject**, * and therefore (as he well deſerved) ſays this *Book* of *Martyrs* ; he was Condemn'd as a Traytor to *God*, the *Queens* Majeſty, and the *Realm*, (and as ſays another Author) becauſe all his Pleadings were overrul'd *per form* of *Nihil Dicit*, the Judges reſolving (as I recited in the former Treatiſe) that *no man can renounce the Country wherein he was born*, *or abjure his Prince at his own Pleaſure* ; and with this agrees expreſly the *Civil* Law, as hereafter ſhall be ſhown : The barborouſneſs of whoſe Execution, being cut up alive, and in his Anguiſh, after diſmembring, ſtriking the Executioner, muſt be more Condemn'd, than the Proceſs againſt him, and cannot be excus'd by ſuch an Author's outra-

vid. Vind. p. 4.

Fox. Acts and Monuments, pag. 2152. *Lond.* Edit. 1583.

* *vid.* Dr. *B*s. firſt Letter to my Lord *Mid.*

* *vid. Baker*'s Chron. p. 349. *Dyer* p. 298. 300.

gious Zeal, in terming him a *Bloody* Nimrod, *Tyrant*, and a *Perſecuter*; and to make the Parallel, between the two Doctors more plain, the *Encouraging*, and *promoting* an Invaſion of her Majeſty's Kingdom, was laid to *Story*'s charge too, and adjudg'd High Treaſon upon a Solemn Debate of the Judges.

* *Vid. Dyer*, fol. 299.

I cannot find that *Spain*, (though otherwiſe ſufficiently incens'd againſt the Queen for the Countenance and aſſiſtance ſhe gave to the Diſturbers of his State) *ever* made this ſeiſing of a *Naturaliz'd Criminal*, even in time of *Peace*, any Article for the Juſtifying of a *War*, or ſo much as complain'd againſt it as a Breach of the *Laws* of *Nations*; and why? Becauſe it was never then diſputed, but by the *Kings Laws*, every one of his Subjects was warranted to *ſurpriſe*, or to *ſeize on him there, in any manner whatſoever*: Our *Author* muſt make himſelf more Ignorant in *Hiſtory*, than he would make our *Envoy* in the *French Tongue*; if theſe ſort of Proceedings never occurr'd to him in his reading: but becauſe we are apt to *forget* ſuch Paſſages as may chance to diſpleaſe us in their application, I hope to make it appear, (without being reproacht for *foul Language*, or leſs reſpectful to that reverend Character he bears; then himſelf has been to that Honourable Perſon that repreſents his Majeſty,) that the Dr. has not *taken the pains rightly to inform himſelf in this matter*, and refreſh his Memory with an Inſtance or two more.

* *Vid.* Vind. p. 3.

* *Corbet*, *Okey*, and *Barkſtead*, ſome of the Regicides, upon the Reſtoration of the late King, and ſome that were excepted out of the Act of Oblivion for being Men *eminently* concern'd in that Execrable Murder, were in the Province of *Holland*, at *Delph* and other places, ſeiz'd by Sir *G. Downing* the King's Miniſter, and the Aſſiſtance of the *Dutch* themſelves, with the order

* *Vid. Heath's* Chron. 62. part 4.

of

of the *States*, and by the Marſhal of the Town.

The ſeizing the P. of *Furſtemburg*, and now Cardinal, in a free Town, tho' an Imperial City, in the ſervice of the *French*, was juſtified by theſe *Dutch* † becauſe he being a *natural born Subject* of the Emperor's, he was found undermining of his Government.

† *Vid.* Their own *Netherland* Hiſtorian.

And that which is *freſher* in our Memories, and with which I had *refreſh'd* our Authors in the former Treatiſe, is the Caſe of Sir *Thomas Armſtrong*, when he *lay* under the *ſame* Circumſtances, being *Outlaw'd* for *Treaſon*; which in *England* is the ſame with the *Scots* Letters of *Horning*, and I think ſomewhat more than *a Writ* of *Rebellion* out of *Chancery*. This Gentleman, by the Procurement of His Majeſty's Envoy, then reſiding at the *Hague*, and the help of his own Servants, with the *aſſiſtance* of *ſome* of the *Officers* of the *Town* in which he was taken, was ſeiz'd at *Leyden*, ſent over into *England*, and by a Rule of Court order'd to be executed; as is uſual where the Outlawry is not allow'd to be *revers'd*: And, I know Dr. *B.* remembers this ſo well, that he has paſt an Invidious Reflection for it, both on our Government, and Mr. * *Varillas*; tho' he is forc'd to grant, even where he would willingly make this Proceeding againſt the Knight but a ſort of *Judicial* Murder, That the *Condemning Men* in *Abſence has been alway Practis'd by our Law, where the Abſence was* Willful; and we all know it is ſo too by the Laws of *Scotland*. And I hope no one will imagine, that the Dr. was detain'd in *Holland* againſt his Will. And as I have already adviſ'd our Author, out of Tenderneſs and Reſpect, ſo it is ſtill my opinion, That it would have been a wiſer *Reflection* upon his Caſe, to conſider, that *by the King's Laws every one of his Subjects is warranted to ſeize*

Anno 168$\frac{3}{4}$.

* *Vid.* Continuation of Reflection, p. 59, 55.

p. 54.

ſeize on ſuch Offenders, in what manner ſoever, then to reflect upon nothing elſe, but the Juſtice of the Court that Condemned *Him*, and the Memorial of His Majeſty that demanded the *Dr.* And this Tranſaction is not an antiquated Preſident, that our *Fathers have told us*, but what we have *ſeen* with our *Eyes*, and *heard* with our *Ears*; tho' I cannot *hear* that the * States ever return'd us any publick Remonſtrance againſt it, as a Breach of Priviledge upon the *Law of Nations*; And why? Becauſe by the *King's Laws* every one of his Subjects was *warranted* ſo to do.

* The Attempt that was made ſince upon another Perſon, at the *Hague*, was of another nature, and of which they might with more reaſon complain.

I could carry this *view of Hiſtory* further, notwithſtanding the Dr's ſevere Droll, on the Envoy's Memorial of *Dead* or *Alive*, to aggravate his *pretended danger*; and tell him of *Subjects* that have executed their Prince's *Juſtice*, when he has been but in *bad* Circumſtances to demand it; and the Dr. has heard of Attempts upon an *Askam*, a *Liſle*, and a *Doriſlaws*: but *ill* Practiſes muſt never make good *worſe* Proceedings, and ſuch a Revenge as no *Nature* will allow, can never be juſtify'd by a *Law of Nations*; ſo that his *fears* are as idle and *needleſs*, as his aſperſing His Majeſty for it are moſt vainly *Seditious*. The *beſt* that he can make of theſe Circumſtances that affect him, is to be a *better Subject* to his *natural Prince*, and then he'l need no *Protection* from any other *Lords*.

Vid. Vindic. of himſelf, p. 3.

And now, to conclude with what His Majeſty's Memorial might well do too, * *That the* States *ought to puniſh both him and his Printer.*

The deference that was due to their *Lordſhips* from any of the Subjects of the King of *Great Britain*, is as

Tem-

Temporal too, I hope, as the Dr's *Allegiance* that he has *transferr'd* to them; and we are bound to retain no longer a reſpect, than they are found to continue that firmneſs of Alliance, which, as I may well ſay now, has been too much violated: So it might have been wiſh'd, by both ſides, the Dr. had never brought it to ſo much as a Diſpute; and tho' out of an humble regard to their Government, I *do* not preſume to preſcribe Meaſures to their *State*; I *do* not pretend to tell the *States* what they *ought* to *do*; yet I may, I hope, with all *Humility*, tell them what the *States* have *done*.

1. Theſe *High and Mighty States of* Holland *and* Weſt-Frieſtland, to the Protection of which the Dr. does ſo zealouſly recommend himſelf, did in the Reign of Queen *Elizabeth* † *decree death* to *ſuch* as ſhould in *Libels* and *Reflections* dare to *revile Her Majeſty*: And I did not doubt, but that their Lordſhips would have been as tender of the Honour of Our Preſent *Prince*, as their firſt Anceſtors were for that of his *Predeceſſor*, eſpecially if they had conſider'd him, under a more *Auguſt Title*, and much more *extended Dominion*; and that their *Queen* of *England* may with Modeſty be ſtiled a *leſs* Monarch than the King of *Great Britain*.

Vid. Six Pap. pag. 50.

† *Vid.* Reidan. Annal. Belg. *Lib.* 6. *Anno* 1587.

2. There is an old Edict, as I am well inform'd, and that ſtill in force, a ſolemn unanimous Act of the whole States Generals, united; which condemns to perpetual Impriſonment all Perſons, *Aliens* as well as *Subjects*, who ſhall in their Dominions, by *Writing* or *Printing*, publiſh any *Letters* or *Libels*, to the defamation of His Majeſty the KING of *Great Britain*.

3. By Virtue alſo of this *ancient Decree*, did a *learned* and *ingenious* Miniſter of the late King, Sir *W. T.* then

then reſiding at the *Hague*, cauſe the Sieur *John Rothe*, and one Mr. *Byer*, Brother to the Book-holder of the Dutch *Eaſt-India* Company, with their *Printer*, to be ſeiz'd; Sir *John* was clapt up in the *Raſphouſe*; the other in the *Stadthouſs* at *Amſterdam*; where they are ſaid to be ſtill Priſoners, notwithſtanding they were *Natives*, and that is more than *naturaliz'd*, and related to men of more *Power* and *Wealth* than our *Author* can pretend to. This I have had atteſted to me, by ſome men of Underſtanding, and one of them one of the *King's Subjects*, that ſeiz'd them; ſo that by their *own* Laws, as well as the *King*'s, they were warranted to do ſo, and the *States* bound by their *own* Preſidents to puniſh both *Him* and his *Printer*.

Anno 1676.

The *Original* Libels, for which they proſecuted both the *Author* and the *Printer*, I have ready to produce; and it was not alone the Prince of *Orange*'s Cauſe that occaſioned their Proſecution, but * His late Majeſty, the Preſent * King, and the Government of *England*, being all Libell'd in the ſame Reflections, animated our King to demand Satisfaction alſo for Himſelf, ſince the ſame Author had repreſented Him and His Royal Brother as ſo many Conſpirators with the Prince, and reflected upon His Majeſty, as betraying and uſurping upon his *Parliaments*, after the ſame manner that His Highneſs did Deſign upon their *States*.

* *Vid.* Eenige Sware beſchuldinge tegen de Prince van *Orange*, *&c.* p. 2, & 7. p. 2. Dat de Prince, *&c.* conſuleert over de wictigſte ſaken deſe Republiik, *Met ſyn Ooms', den Koningh van Engelandt, en den Hertogh Van York.* p 7. Dat de Staten even Van de Prince *Misbryiickt* en qualiick gehandelt worden als het *Parlement in Engelandt van hare Koninck.*

Theſe High and Mighty *States* did then think it their Duty to do Juſtice to His Majeſty of *Great Britain*, and to His Preſent Majeſty, though then without

without a *Crown*, who might, I hope, as well expect it from them *now*, while He wears one: They publiſht their *Placaets* then againſt ſuch an *Author*, and his *Printer*, both *them*, and their *Orders*, I have by me to ſhew; look't upon them, and term'd them too *lying*, *ſcandalous*, and *Seditious* Paſquils, † promis'd Three Thouſand Gu'lders for the Diſcovery, and bringing the *Author* to Juſtice; and Two Thouſand to any one that ſhould detect the *Printer*: But *Time* has *ſhown* us now the reaſon why theſe *High* and *Mighty* Men could not comply with His Preſent Majeſty in *puniſhing* Dr. *B.* or his *Printer*; † tho' they thought ſo much my ſelf to deſerve it. Theſe Libels were avow'd only to facilitate this **Invaſion**, and the King could have no *Juſtice*, only becauſe they kept more in *Reſerve* than the Dr's *Society*, or the deepeſt *Jeſuit*, (*i.e.*) to do him the greateſt *Injury*. *Time* has ſhewn us *now*, (as our || Author was pleaſed to tell us, *ſome time* ſince) not only the *unjuſt Reſentments* of theſe *States*, but the *falſe* Pretences they made, of their being Ready to do His Majeſty *Juſtice*, and ſo verify'd *a fortiori*, that my *juſt* Accuſation, which our Adverſary was ſo ſollicitous they ſhould *Reſent*. And **Thoſe** *that never dealt yet ſo fairly with* **Princes**, have now ſhewn themſelves more *fair* in a *ſuperfluous Faith*, to one that put himſelf upon them for a Vaſſal.

† *Vid.* Their Placaet printed too by Mr. *Fagel's Scheltus*, at the *Hague*, 1676.

† *vid.* Miinheer *Fagel's* Miſſive printed by the ſame *Scheltus*.

|| *Vid.* Reflect. on *Parl. pac.* part 1. p. 5.

Vid. His Refl. part 1.

SECT. VII.

AND now, in the next place, to come to what concerns **Fugitives**, the Articles of Peace agreed on between *this* Crown and *their* State.

* *Vid.* Vind. of himself, p. 4.

Fugitive Criminals, and their *Protection*, has been often, and was ever of old, much controverted between Soveraign Princes and States; and so far did the *Romans* once invade the Power of *Protection*, that they procur'd the delivering of *Hannibal*, by the King of *Bythinia*, tho' he was only the noblest of their Enemies, and ow'd not the least Subjection to *Rome*, whose Favour he defied, as well as often had defeated their Force. This was indeed a Reproach to *Prusias*; as Sir *Walter* **Raleigh* says, upon whom *Flaminius* an Ambassador from the *Romans* had prevailed, that it made him unworthy of the Crown he wore: Which *Protection*, as *Grotius* observes, *is due to the Oppressed, tho' not to Wilful Malefactors*; and in the Case of a *defeated* Enemy, cannot be pretended unlawful, unless by the express Articles of a League; and if in that case it shall extend to an *open* Enemy, it will, *a fortiori*, to the Subjects of either State, that were in such an Alliance, and with a more superlative reason to such as owe a *natural Allegiance* to their Native Prince, and only a *Temporal Obedience* to that State wherein they live. This *Local Subjection* my Lord *Coke* will allow to be due

* History of the World, l. 5. c. 6. Sect. 2.

De Jure Bell. & Pacis.

3d. Inst. c. 1.

due from *Aliens*; ſo that *during their ſtay there*, their Allegiance is as much *tranſlated* to the Forreign State, as it can be done by the *Act of Naturalization*, or our Author can pretend to: for the *Naturalizing* Forreigners, may impower them to greater Priviledges in the place wherein they live, as does our *Denization* too, but can never make them *leſs Subjects* to their *natural Lord*, to whom, as *Natives*, they belong: For when *Grotius* * obſerves, that no Confederate has a right directly to apprehend and puniſh the Subjects of another Confederate; and inſtances in *Decius*, who when bound by *Hannibal*, was upon pleading it ſet at Liberty: He is there only to be underſtood of ſuch Subjects as are *natural born Subjects* and *Natives*, and not made ſo by a *formality of Law*: And yet this Author, that is favourable enough in the Point, is of opinion too, That if a *Native* ſhould act any thing againſt an expreſs Article, agreed on between a neighbouring Nation, with whom they are in *League*, the King or State are oblig'd either to *puniſh* or *deliver* up the Offender to the Perſons injur'd: And ſince our Author makes his **Marriage* ſuch a Warrant from *Solon*'s Laws, for his *Naturalization*, that *ſame* Law-giver I muſt tell him, would not admit any Strangers to be enroll'd among his Citizens, unleſs they were baniſht out of their own *Country* for *ever*, ſuch whom their *Country* did *renounce*, and not thoſe that *renounce* their *Country*. And tho' this *Marriage* might have given him ſome ground for his being *naturaliz'd*, I hope it gave no *Colour* for the *tranſlating* his *Allegiance*; or elſe it would ſound a little Unlucky, that his being *Married* in *another* Country, ſhould occaſion his being *Horned* in his *own*.

* De Jure Bell. & Pac. lib. 1. cap. 3.

* *Vid.* Vind. p. 3.

Vind. of himself, p 4.

But then, in the Case of *Rebels* and *Fugitives*, we shall find agen a vaster difference than in all the rest.

* Vid. 11 Hen. 7. c 1. Vid. *Calvin's* Case, K. *Jam.*

By the *natural* Law as well as the *municipal* ones of the Land, the King has a Right to the Service of all his Subjects; can command their return or removal from or to any place *abroad*; and nothing has been more frequently practised; and they refusing to do *this*, (which has been as often obey'd both by whole Bodies and Societies of Merchants, as once in the *Hamburgh* Company, to *Stode*; and some others) tho' but as single Persons, has been always adjudg'd *Rebellious*, and is indeed so by all Law; even where no such criminal matter, as *High Treason*, and the refusal to appear, does make the Offender so. Now, though our Author *went out of* Scotland *fourteen Years ago, and left* England *by the King's Leave*, yet if upon His Command he does not return, I humbly conceive, that *truly* in a Legal sense he may be stiled *Rebellious*, and a *Fugitive*; though there was no Crime that stain'd him deeper with that Appellation, or gave him more occasion for his Contumacy and Flight; for the flying from Justice after the expiration of the term of Appearance, is that which makes him a *Fugitive*, tho' he departed the Realm with all the solemn Leave and Permission imaginable: So that the second Memorial of the Marquels was founded upon as much Reason, and upon which this Author would as vainly fix as much *Absurdity*; where I too *cannot but take notice* how he labours to make that an Inconsistency in the Memorials, which he endeavours to reconcile in all his Writings, *viz.* That of *being the Subject of the States*, and yet to be punisht as the *King's Subject*, for to them he is willing to be thought but a *Temporal Sub-*

Vid. id. p. 4.

Vid. ib. *Vid.* 1 Lett. to my Lord *M.* *Vid.* 2d. Lett.

Subject, and yet at the ſame time to retain for His Majeſty, as his Natural Lord, all Duty imaginable: And I muſt confeſs, had not his unhappy Expreſſion of *tranſlated Allegiance* been Treaſon by the Law of *Scotland*, and which, the Engliſh ones too ſay, cannot be by ſuch an * *Abjuration transferr'd*; he had not pronounced himſelf a *Rebel* and a *Fugitive*, under his own hand; and by his *Letters* to the Secretary, before thoſe of *Horning* were iſſued out of *Scotland*: the moſt favourable Conſtruction that could have been put upon it, was, (did not his Malice againſt His Majeſty and His Government, betray'd by his Reflections ſince, prevent an excuſing it) That his profeſſing ſo much Divinity and the defence of the *Goſpel*, had hindered, or excuſed him, from the diſcovering how deeply his *unalterable Allegiance* was founded by the *Law*.

* *Coke* 7 Rep. fol. 90. *Dyer* fol. 300. Alſo Dr. *Story's* Caſe *ut Supra*. 13 *Eliz*.

The Celebrated Caſe of his *Countryman* Mr. *Robert Calvin*, (and the Doctor, I know, upon another account, reverences the Name) which my Lord *Coke* has ſo largely reported, has carried *Allegiance* to that pitch, that I think it is not ſo eaſily *tranſlated*; he calls it *Allegiance and Obedience inſeparable from every Subject*; as ſoon as *born* he makes it to *Commence*, before the firſt Oath of Obligation is taken in the Court Leet; for this Opinion he cites too the *Scotch* Expoſition of Mr.* *Skeen*, who (I find) ſays this ſort of Liegiance is due to the King *alone*, with exception to *all* others; ſo that as my Lord *Coke* obſerves in this point, *the Laws* of *both Countries agree*; and this *Naturalization* being but what Lawyers call an *acquir'd Allegiance*, cannot (as I obſerved before) *Eradicate*, or defeat by ſuch a formal Contract, that *natural Obedience*, that is ſo deeply *rooted*.

Coke 7. Rept.

Fol. 4. B. f. 5. A.

* *Vid.* his Expoſition ad Regiam Majeſtatem.

It

Fol. 8. *A. B.* Poteſtatem habet in partibus tranſmarinis, fidem & fideles in partibus tranſmarinis.

It is *poſitively* aſſerted in that Caſe, *That the King has a Command over his Subjects, as well* **out** *of the Realm as* **within**, that they owe him *Faith* and *Fidelity* in *Forreign Countries*, and from thence he concludes, (as I hinted before) that *Abjuration*, (which is an Act of Law, and by which you are forc'd many times to forſake your Kingdom for a Penalty) cannot excuſe you from your *Natural Obedience*, though under an *exile*; for (ſays he) *the King may in mercy reſtore him*; much leſs then, I may conclude, againſt our Author, ſhall a *Voluntary Abjuration, tranſlate* his *Allegiance*, and which was over-rul'd againſt Dr. *Story*, that he could *not do it at his pleaſure*; though * *Grotius* is indeed of another Opinion in the *point* of *Baniſhment*, which does not come up to our Authors Caſe, he being *deſir'd* to *return*; and the *Heraclidæ* had a better pretence when they were *baniſht* Argos, to plead their being no longer Subjects to *Euryſtheus*; yet even *Grotius* grants there, that by the *Roman* Law, where a Citizen forſook his *Native* Habitation, he was oblig'd ſtill to ſuch Offices as ſhould be impos'd on him, and to pay Contribution; which implys, that even in Governments *Democratical*, **birth** lies ſuch an Obligation by *Nature* to the place where one is *born*, from which we cannot ſo ſoon recede by our own Artificial Acts and Pretences: And as he has granted too, that no *number* of Perſons, or *particular* one, can deſert his Country, if the *Publick* be injur'd by it; ſo I may conclude, that no number of Mutinous Men, or ſingle Seditious Subjects, can by any Expedient whatſoever, extricate themſelves from their *Obedience*, and be *protected* in it; where the Juſtice of the Nation is both *affronted* and evaded, and conſequently the *Publick* Peace in danger to be *diſturb'd*.

* De Jure Bell. Lib. 2. cap. 5. Pag. 4.

But

But as our Author could not but take notice of the great *difference* there was between the *Memorials*, ſo I cannot but obſerve the ſame in his defence, and *Vindication*; in one place he intimates his *claiming* and *deſiring* the *Protection* of the *States*; and in *another*, *values* himſelf and his Innocency, upon his never having *deſir'd* it; *I apply'd my ſelf* (ſays he) *immediately to the States of* Holland, to be *Naturaliz'd*; and in the next Page appeals to the States of *Holland*, if ever he made any Applications to them. Pag. 4. * *Vid.* Pag. 3.

But we muſt conſider further, what *States* and *Princes* have done to Perſons under his Circumſtances; whereas, all the Anſwer that was given to the Envoy, about his *be comming their Subject*, did (in ſhort) amount to this; *They firſt* Naturaliz'd *him*, *that they might* protect *him*, *and then ſay he was* under *their Protection*, *becauſe he was* Naturaliz'd; but to do all *Juſtice*, even to thoſe that do not deſign, to any people, or to us to be ſo much *Juſt*; the offering to put our Author to his Tryal *there*, would be ſomewhat of ſatisfaction to the *Laws of Nations*, as well as our *own*; had it been but as *ſincerely* put in Execution, and that which has already been objected, had been ſufficient matter to have founded any Proceſs, had it ever been in *reality* deſign'd; and as we have ſhewn what they *themſelves* in the *ſame* Circumſtances *have done*, and by ſome of their Edicts and Decrees are oblig'd *to do*; ſo we ſhall with the like deference to their Authority, repreſent a little larger Draught to their View, of what *other* Nations have granted in ſuch Caſes; and in which *all* Stateſmen, and even ſome of their *own* do agree.

It is an indiſputable point, and from the Laws of both Kingdoms plainly appears, that by the *Letters* of *Horning*, in the Caſe of *High Treaſon*, the Criminal is de-

declar'd, a *Rebel*, and a *Fugitive*, for the worſt of Crimes that can make him *ſo*; and by our *Writ* of *Outlary* he is lookt upon as ſuch in the like caſe; and can (if ſeiz'd before the Year be expir'd) if the Court think fit, be deny'd to reverſe it; and though but very lately, it was offer'd from the merciful Inclination of the King and the favour of the Court, to one || that was fled to one of our Plantations for High Treaſon, yet it was as ſoon afterward deny'd to another,† we have mention'd before, who ſuffer'd as *Juſtly* without it; this being conſider'd, *the* Act of *flying* makes them not only *Fugitives*, but *Traytors*, as much as if they had been Try'd and Convicted by a *Judicial* Proceſs, from the Conſtruction of our Law; and therefore I ſuppoſe it is the common Quære in the Caſes of Felony, whither the Criminals *fled for the ſame*, it being always to be interpreted, the greateſt Argument of their Guilt? Now no Judge, either of Law, or Reaſon, but will allow, that a perſon (though *occaſionally* withdrawn) that refuſes to appear when a *Citation* is iſſued forth, but is as much a *Fugitive*, as if he had but immediately *fled* upon his being *Cited*; and this being our Authors Caſe even when it's *beſt* excus'd; we will conſider, how by the *Laws of Nations* he is to be treated.

|| *Holloway's* Caſe of *Briſtow.*

† Sir *T. A.*

It was a Saying of *Tertullian*, *that* againſt *Publick Enemies every Man is a Souldier*; and I ſuppoſe, *that* may imply that every Subject, when a Criminal is declar'd *ſo*, is *warranted* to *ſeize him in what manner ſoever*: by the **Law** *of Nature*, ſays *Grotius*, *every innocent perſon has a right to puniſh a Malefactor*; and it is only the reſult of our being ſettl'd into *Civil Societys*, that leaves to the reſpective Bodies, both the Right and Liberty to puniſh Offenders againſt themſelves; though this does not hinder *Forreign States* from puniſhing them,

De Jure Bell. Lib. 2. c. 21.

them, which they *muſt* do, or *deliver* them up, if deſired, to the *Injur'd* one; and ſince *neither* of them has been done here, though *both* demanded; it cannot be well juſtified by the *partial* Arguments of the Doctor, and as little to be defended by the Pen of a *fairer*, or a better Advocate: This ſort of **Dedition**, *Sacred* Hiſtory affords us ſufficient *Examples* of, as well as the *Prophane*, I had given our Author *ſome* that I think *related* to *himſelf*; but ſince he ſuppoſes he is not concern'd to *Anſwer* them, I ſhall ſend him ſo many more.

We ſhall not inſiſt upon *Sampſon*'s Caſe, and that of the *Benjamites*, (ſince our Author pretends to engroſs all the Divinity, and will not grant us ſo much as to underſtand the Doctrine of the *Arrians*) and 'tis more than hee'l forgive us now, the touching upon *Tertullian*, or a Text of Scripture; neither ſhall I lay any great weight upon what was done by the *Lacedemonians* when they were deny'd by the *Meſſenians* ſome that had fled to them only for Felony and Rape; neither need I ſhew, how even great Commanders, or Princes, have been ſo unfortunate as to be demanded; as *Cato* deſir'd the Senate to deliver up *Cæſar* himſelf, to the *Germans*, and our Uſurper as impudently expected it from *France*, and theſe *States*, in the caſe of our Exil'd Soveraign, neither ſhall I repeat thoſe Preſidents I have formerly apply'd, that which is more proper in this place, ſhall be what relates to the ſtirring up Sedition, or diſturbing the Peace of a Forreign State, which no Government can tolerate in their *own Subjects*, or **Fugitives**. Thus did the *Romans* demand from the *Carthaginians*, that *Amilcar* ſhould be *delivered* up to them, becauſe he had ſollicited the *Gauls* to rebel againſt them. And thus did the *Athenians* make publick Proclamation, that whoever ſhould plot any miſchief againſt *Philip*, and fly for *protection*,

Livii Lib. 2. 8.

tection to *Athens*, ſhould inſtantly be *delivered* up to him. *The Duke of *Burgundy* being requir'd by *Lewis* XI. of *France*, to deliver up *De la Marche*, for *writing ſomewhat againſt his Government*, was anſwer'd by the Duke, that though he was not in the leaſt the King's Subject, yet if it could be made out, he had ſaid, or done any thing againſt his Majeſty's *Honour*, he would ſee *him puniſht as he deſerv'd*.

* Phil. Com. Lib. 1. c. 1.

And though *Grotius* obſerves in their favour, that they are not *abſolutely* to be *deliver'd*, yet grants they muſt (if that be refus'd) be *neceſſarily* puniſht; and this was the Complaint of the *Ælians* againſt thoſe of *Lacedæmon*, that they would do *neither*; and where the ſame Author obſerves, that our *Europæan* Princes have in the laſt Age Conniv'd at the *protection* of ſome Malefactors, yet he grants it is only in leſſer Crimes, never to be allow'd to thoſe that are *diſturbers* of the *Publick Peace* of their *own Country*, or directly excepted againſt in the Articles of any League. *Gylippus* the *Lacedemonian* diſcourſing upon this point of *protection*, ſays it was ever intended *only* for ſuch as were *unfortunately miſerable*, and not for thoſe that are *maliciouſly wicked*; and *Demoſthenes* ſays the *ſame*, and I ſhall ſubmit it to the Judgment of the *World*, as well as to the *States*, whither our Authors *Malice* againſt the King and Government, has not brought him to his *misfortune*.

* Miſereri oportet qui propter fortunam non malitiam in Miſeriis ſunt. *Vid.* Cicero. tranſlat.

All the old Cities of refuge, which we read of in the Sacred Writ, were only granted to ſuch *unfortunate* Offenders as we mention'd before, and all the Preſidents that can be brought where their delivery has been refus'd, as the *Chalcidenſes* did *Nauplius* to the *Græcians*; King *Pepin* thoſe that fled to him out of *Normandy*; the Emperour *Lodovicus Pius* thoſe that ran to him from *Rome*; and the *Gepidæ*, *Ildigiſales* to the *Romans*, was either

either, where the accuſed had clear'd themſelves upon a *Tryal*, or where they fled from a *Tyrannous Perſecution*; and that I ſuppoſe is the reaſon why our Author would repreſent himſelf ſo * *Perſecuted*, and make the Caſe of the * *Fugitives* of *France* to be his *own*.

* *Vid.* Six Pap. * *Vid.* Vind. of himſelf, p. 5.

I cannot but remark here upon the *Modeſt* Requeſt, that by the * firſt Memorial was made againſt the Dr. and which he treats too, with as great rudeneſs, and deriſion, which deſir'd civilly, if they would not *deliver* him up, only that he might be *baniſht* out of their Dominions; this, I humbly conceive, was a Condeſcention, where it might have demanded his *Tryal*, and *puniſhment* for *High Treaſon*; this was ſuch a reaſonable Requeſt, that *all* Hiſtory, and Law, give a greater allowance, as in the former Preſidents has been *ſhewn*; and in this, as by ſome, we ſhall now *ſhew*, was never in the leaſt controverted; ſo did the * *Cymæi*, who when they would not deliver up *Pactyes* the *Perſian*, yet notwithſtanding, they would not offer to keep him, but ſent or ſuffer'd him to fly away to *Mytelene*; and *Perſeus* King of *Macedon* in his Apology to *Martius*, writing about thoſe that had betray'd *Eumenes*, ſays, *As ſoon as upon your Information, I found* **theſe Men** *in* Macedonia, *I commanded them immediately to depart my Kingdom, and for ever interdicted them all my Dominions.*

* *Vid.* 1 Memorial.

The denial of this, I am ſure, is more to be *admir'd*, than *defended*, and the *Dutch* might think themſelves as injuriouſly dealt with all, if ever they ſhould happen to be ſo *deny'd*, if *Private Subjects* ſhall have ſuch a right of Proſecution? if in *Civil Actions* Creditors can demand it for a *Debt*? how can it be juſtify'd, when in an offence againſt the *Crown*, and the higheſt too, it is deny'd to one of the greateſt Princes in *Europe*.

Vid. Pag. 4. 1 Consid.

Our Author utterly mistakes it when he would make us believe, *That by the sense of the seventh* Article, *all Condemnations being to be under* Publick, *and* Authentick *Letters, must be meant of the Record of the Sentence being to be transmitted them:* A body would have thought a *Copy* of it might *have* serv'd the turn, for *Records* are not so soon parted with out of *Westminster-Hall*; I do not know what may be done out of the Archieves of *Scotland*, or their *Registers* there of their Journal Books, but if I mistake not by a Law of his Country, *Letters of Horning*, and their *Executions*, are not to be prov'd by Witnesses, and that forbidden by * Act of Parliament; so that it is impossible to make such proof as can attest a Copy; and for the *Journal* it self, I suppose they would hardly send; but by *that Article* may be as well understood, that an *Envoys Memorial* representing, that by the Laws of his Country such a person stands Condemn'd, that this is of it self a *Publick* and *Authentick Instrument*, when it comes from the hand of such a *Publick Minister* of State, and therefore in the forementi-on'd Case of the Prince of *Macedon*, as soon as he receiv'd but information that such Men were retir'd into his Territories, he immediatly interdicted them, and immediately upon the demand of *Bothwell*, Queen *Elizabeth* said, she would either *deliver* him *up* or *send* him *out* of *England*.

* Ja. 6 p. 6.

But such Arguments as the Schools call *ad hominem*, with some People are most prevalent; therefore as I do not in other things pretend to prescribe measures to the *Dutch*, of what they are to *do*, so I must offer one Instance more of what in *this* case too they *have done*, and *that* without proof or examination.

'Tis

'Tis known *then*, that they of *Holland* not long ſince deliver'd up the Cook that had been in the Conſpiracy with the Counteſs of *Soiſſons* of *France* for *poiſoning*; and he that endeavours with his *Venome* and *Malice* to Alienate the Subjects Hearts from the King and his Government by the *miſrepreſentation* of *him*, and his *Proceedings*, which by the *Law* of the *Land* is call'd *Treaſon*, muſt by that of *all Nations* be concluded to have forfeited that right of *Protection*, which as hath been ſhewn, in *ſuch offenders*, it does more particularly *refuſe* to favour.

In the Article of the Crown of *Denmark*, for the ſecuring and returning us any Regicides, that ſhould be found in their Dominions, or ſhould hereafter repair there, it was agreed, that upon the firſt notice to that Crown, aſſoon as the King was told of their being there, they ſhould be apprehended, put into ſafe hands of their *own* Officers, or of ſuch as the King of *England* ſhould appoint to take them into Cuſtody, and this was obſerv'd, without any expectance of any *Record* of their Sentence and Attaindure. 5 Article *Feb.* 4. 1660.

As to his ſecond Conſideration as it *relates* to the common Acceptation of the Word *Fugitive* and *Rebel*, when the concern is *national*, they may either be conſtrued according to the *Municipal Laws* of the Country, or the Laws of *all Nations*, and by *both* of thoſe, his Conſtruction of the *Terms*, as well as of the *Merit* of his Cauſe, will be certainly Condemn'd; for a *Fugitive*, (as we have intimated before) by the Laws of *both Kingdoms*, is ſo reputed from the time of his *abſenting himſelf after* **Citation**; though he were innocently *abſent* long *before*; and by the *Civil Law*, according to which, *all* Leagues and Treaties are to be interpreted, and take their Acceptation; he that is accus'd of the *Crimen*

men Læsæ Majestatis, is *criminated* for a **Rebel**, and therefore it is promiscuously call'd too, the * *Crimen Perduellionis*, though properly in strictness, *he* is only guilty of the *latter*, that comes, *Arm'd in an Hostile manner to Invade the King, or the Common-wealth.* I wish our Author could help himself better in his Explanations, which for any thing that he has offer'd yet, he must be concluded in the *Articles* of **Treaty**, which have been so *often* ratify'd and confirm'd, and which deny any *Protection* to declar'd *Rebels*, and *Fugitives*: And this was the Opinion of the *Dutch* * *themselves*, in the Case of the *P.* of *Furstemberg*, whom they look'd upon as a *Rebel*, for not *obeying* the Imperial *Mandatum Avocatorium*, as well as for *bearing* of Arms against the Emperour; and by the same reason the Regicides might as well have been refus'd us, *because* many of the Kings Judges never *bore* Arms, but even that it seems our Author does not decline, to make himself in his *own* sense, and the *Literal* one, *a* **Compleat Rebel.**

* Idem perduellio dicitur Zouchæi. Elem. p. 4. Sect. 9. etsi is proprie perduellionis reus est qui hostili animo adversus Remp. vel Principem est Armatus. *Vid. Ibid.* & D. 48. 4. 11.

* *Vid.* Their own *Netherland* Historian.

1. Letter.

The Third *Consideration is, his being Naturaliz'd by the* **States**, **before** *he was Prosecuted by the* **King.**

Did that *Naturalization* (as our Author in *his Letter* does *falsly* imagine) eradicate all that Relation he has to his *natural* Prince, and Leige Lord, did it *really* **translate** that **Allegiance** which he *pretends* it does? much might be argu'd from it in his defence, but since so many Presidents have been brought, that have prov'd it quite otherwise adjudg'd, and seconded with as much *reason* as my little stock could afford, and that strengthen'd with the resolution of all the *Laws*, it must be concluded, that his being the **States** *Temporal* Subject, does not make him less the **King's** *natural* one, and if *Local Protection*, as he observes, is so *inseparable* from Soveraign Power, I am sure by what has been said, *Natural Allegiance* will appear to be *more* so, so that his *defence*

fence here, is only the very *Crime* that *is* in queſtion; which like the *glorious* ills of the *Roman* Hero, muſt only be maintain'd by *doing greater.*

But becauſe I would give all the ſatisfaction imaginable, we will carry this point of a *Natural Allegiance* being *Inſeparable*, ſome few ſteps further, and ſee firſt, what the Laws of *all* Nations ſay of it, and then what we find ſaid in thoſe of our *own*; and for the *Imperial Law*, in this point, it is *poſitive*, that every one becomes a * Subject truly, and originally, with reſpect to that *Nation* under which he was *born*: And by this word *Nation*, (which thoſe Authors uſe to expreſs it by) I do underſtand, that *Government* is more properly to be intended; for I know, that People may be *born* the Subjects of the King of *Great Britain*, and yet without his *Dominions*, tho' not his *Government*; and is the Common Caſe of thoſe that are born in *Engliſh* Factories beyond Sea, which by a Fiction in Law, *tranſfers* the place of *birth* to be within the Dioceſs of *London*, and the County of *Middleſex*: And this, if I miſtake not, is the Reſolution of *Banks*'s Caſe in *Crooks Rept.* ſo careful is our Law, leſt any *natural Allegiance* ſhould be *transferr'd* to a *foreign* State, that to avoid it, it *transfers* the place of your Nativity in *another* Country, to the Territories of your *own* Prince; and therefore we are told by *Civilians*, * That every man is not only his *Parents* Off-ſpring, but that of his *Kingdom* or Common-wealth, and this relation to his Country he cannot renounce or *tranſlate.* This is poſitive againſt our Author's Aſſertion, that has occaſion'd his Proſecution in *Scotland*, where he ſays, it is already, and actually *tranſlated*; when by the Laws of that Country, the very bare *limitation* of his *Allegiance* had been Crime enough to have coſt him his Life. And ſo plain and full are the *Laws* of Nations in this Caſe (and which

* Subditus quisq; fit, primùm ratione *nationis. Zouc.* part 4. Sect. 2.

Vid. Act of Parl. de Natis ultrà Mare.

Vid. Crooks Rep. *Banks*'s Caſe.

* Partus non tantum *Parentis*, verum etiam *reipub.* naſcitur, cujuſmodi ad Rempub. relatio Exui non poteſt. D. 37. 8. 12.

which a Country that is partly governed by them cannot contradict) that they say no one can * Divest himself at his † *Will and Pleasure*, of this original relation he has to his Prince and place of Nativity; no, tho' he assumes unto himself another: For the assuming a *pretended* Origination, (and *naturalizing* is no more) does not extinguish that *natural* one which in reality he must ever retain; neither by * falsly renouncing of his Country from which he had his birth and original, can he change the *Truth* and *Nature* of the thing. And this was so *loyally*, *learnedly*, and *judicially* resolv'd in the very same words, in the recited Case of Dr. *Story*, by all the Judges in Queen *Elizabeth*'s Reign, (who is celebrated even by our Author, and others, for employing none but men of the greatest Understanding in the State) that it must supersede all Objection; and if the *Civil Law* will not by *our own Municipal* Resolution of the Judges of the Land, Dr. *Bur*, must be silenced and convicted, even from a Process in the * *Reformation*, and an Historical Confutation out of Mr. *Fox*.

* Origine propria nemo potest voluntate suâ se eximere, nec si aliam assumat, quod assumptio originis, quæ non est, veritatem naturæ non Perimit, c. 10. 33, 4. D. 5. 1, 6.

† So also say our own Laws. *Vid.* Dr. *Storys* Case *ut Supra*. *Dyer* 300.

* Neq; mentiendo, neq; recusando Patriam, veritatem mutare potest, *Zouch.* ibid.

* 13 *Eliz.*

These Imperial Laws do so expressly oppose our Author's Expositions, that they call him a † **Fugitive**, that falls off from his Country and Common-wealth; and this Defection they define to consist in *renouncing* their *Obedience* to that Government, under which they were *born*; and this *Native*, in the Phraseology of *their* Law, they call an * **Original**, (a term which our Antagonist is no Stranger to, having *naturaliz'd* it into his Works;) but the sense of it here signifies a *natural born Subject*, whom, *Civilians* say, differs from an *Inhabitant*, and adventitious one in this, that the one owes a *perpetual subjection*, and the other but a *Local* and *Temporal* one; and this *perpetual Obedience*, that is so *inseparably* requir'd, from what has been said, does appear *unalienably*;

† *Transfuga* est, qui ab Repub. *Defecit*, & *Deficere* dicuntur qui ab his quorum suo imperio sunt *desciscunt*, D. 4. 5, 5.

* *Originarius* & *Incola* in eo differunt, quod ille *perpetuus* hic pro *tempore* subditus existit. Zouchæus Elem. Jurisp. p. 4. Sect. 2.

able; and what course our Author has taken to *translate* it, cannot apprehend, if it be so *transfer'd*, (as for the concern and sake of his Cause more than from any Conviction from his Reason, he would perswade himself to believe) then, whenever there should happen to be any breach between those Crowns, or *States*, that were at present in good Amity and Correspondence; Such Deserters are by their *own* Conclusions qualify'd to *fight* their *own* Prince, and **Invade** their *own* Country, and perhaps, for that end, our Author maintains the Paradox of this *rebellious* Position; for *Allegiance* being once *renounced* by him, as well as *Passive Obedience*, there remains nothing but to exercise an *Active* Valour, and the verifying his being a *Rebel*, even in his own sense, a *Man that has born Arms against his Prince*. *Vid.* Vind. p. 4. For where *Obedience* and *Birth* is *translated*, there remains no *Obligation*, and *ty*, to *Duty*, or *Relation*: but I am afraid, should such Expositors upon their *Allegiance*, by the fortune of the day be made Prisoners of War, they were not to be treated as Common Enemies, but as so many *Rebels*, and *Fugitives*: It will be too late for them then to have recourse to the *Postliminium* of the *Romans*, when they have made themselves *Renegadoes*; when they have *renounc'd* their *Allegiance*, by so solem an Act as their *own hand writing*, they cannot *return* themselves again to their former Rights and Priviledges, they may be *receiv'd* indeed, (as Civilians say) but then it must only be to punishment; and upon these Principles, I suppose the Laws of *Scotland* proceed, when it makes such a *Renuntiation*, **Capital**.

Captive Enemies; that are taken in the Act of Hostility, have generally by the Laws of Arms Quarter allow'd, and Liberty to depart; which is more, or less observ'd; according to the dealing they meet withal from

one another; but ſhould one be found, that by a *voluntary abjuration* has *renounc'd* his *King* & *Country*, amongſt their Enemies, either *in Arms*, or *without*, in *Camp*, or in *City*; he is to be put to Death as a *Deſerter*, and *Fugitive*; and this is confirm'd, by *conſtant practiſe*, as well as warranted by *all Law*; and where the perſon *owns* his *Allegiance*, actually *tranſlated*, he makes himſelf the *ſame* Criminal, as if he were in League with his Princes Enemies; though that is a Circumſtance that will much aggravate the Crime; and the being under the *Protection* of his Friends and Allies, * only hinders the Prince from entring their Territories, with an Army to *demand* him; but that cannot debar him from his right of *demanding* his *puniſhment*, or *Dedition*.

* *Vid.* Grotius Lib. 2. c. 21.

So much for what Civilians ſay in this matter, and it may not be improper to ſuperadd, what common Lawyers, upon the Caſe have reſolv'd; my Lord *Coke*, to this purpoſe obſerves, that *natural Allegiance* being an Act and Habit of the mind, it cannot be confin'd within any place; and from thence would infer, that his Countryman *Calvin* in his Controverted Caſe, could not be ſaid, when he was in *England*, he ow'd the King of *Scots*, *no natural Obedience*; and that *natural Leigance* ſhould have any reſpect to *a Local* one, was an inſufficient Plea, and upon the whole, it was concluded, that a *natural* *Allegiance* could not be || *conſtrein'd with any force*, or *confin'd within any limits*; it is concluded there, that this *Allegiance* is due to the King by the *Law of Nature*; that this *Law* of *Nature*, was long before any *Municipal* one of the *Land*, and that it is part of our *own* Law, and muſt be for ever *immutable*; and what is *due* by the *Law* of *Nature*, a *Moral* * *Heathen* will not ſay can be *tranſlated* and *transfer'd*; and therefore this *Allegiance* could not be deny'd to be due even

* *Vid.* *Calvin's* Caſe.

* *Vid.* His Vind. pag. 4. Nullis clauſtris Coercetur, nullis metis refrænatur.
|| *Vid. id.* Calv. Caſe. Jura naturalia ſunt, immutabilia.
* *Vid.* Ariſtot. 5. Ethicor.

to

to *Tarquin*, though there were then no Civil Inſtitutions among the *Romans* that confin'd it; being before *Papirius* had reduc'd any into Writing; and if with the permiſſion of this moſt Polemical *Divine*, I may be allow'd to attempt upon his Province, thoſe inculcated Texts, of being *ſubject to the higher Powers*, and that, *not only for fear*, but for *Conſcience* ſake, ſeem to me, to have a more immediate reſpect to thoſe that are their *Natural Princes*; and to the Law of *Nature*, which did moſt *conſcientiouſly* oblige them, more than any *fear* of *Municipal* ones, and *Civil Inſtitutions*.

I agree with our Author, that the point of *Naturalization* is an Univerſal Practiſe; and the right of granting it is inſeparable from Soveraign Power; ſo † *Antoninus Pius* gave the *Jus Civitatis* to much Forreign-People that repair'd to *Rome*: And though our King cannot *naturalize* without an Act of Parliament, (which I cannot ſee but might have been admitted, as a point of Soveraignty, it being of old allowed to his Original Anceſtors, the *Roman* Princes, and the denying it fixing ſomewhat of Soveraignty in the three States;) yet by our Law *now*, he grants Letters of Denization, which is as * inſeperably affix'd to his Royal Perſon; yet *ſtill* this being Denizen'd, or *Naturaliz'd*, ſhall never *alienate* that *Allegiance* you owe your *Natural Prince*; much leſs, *protect* a man from the Juſtice and reſentment of his Lawful Soveraign, for if it cannot be defended in thoſe that are *born* Subjects of a Forreign State, it cannot be imagin'd juſtifiable in thoſe that are *Naturaliz'd*; for though that puts you in a conditionas if you had been a Subject *born*; yet it is with relation only to perſonal defects, to qualifie you for the Priviledges of a *Native*, and not to exempt you from the Obligations you owe to the Laws of *God* and *Nature*.

vid. Vind. p. 5.

† Novel 78. 5.

* *Coke's* Report. fol. 25.

By what has been *said*, and somewhat more that I shall now *say*, I hope he'll retract this opinion; *That the* Obligations of Honour, that all Soveraigns come under, to protect whom they have *naturaliz'd*, against *all* things but their *own* Justice, is no *dark point of Law*, and *that it is what every Prince Practises.*

Vid. Vind. p. 5.

That Obligation of Honor, (were there no Leagues to *oblige* them,) would on the contrary, command them not to justifie those Crimes in *Naturaliz'd* Subjects, which they cannot defend in their *Natives*; he is so far from clearing this *dark* point of the *Law*, that he has made it only more *obscure*; and indeed, put the Law quite *out*, like the *Expositor* that Writ so much of *Fiat Lux* upon his *Window*, till he had *darken'd* the whole *Room*: And for the practice of Princes it is plainly against him; some Presidents there are where *Protection* has been much insisted on, as when the *Venetians* defended Pope *Alexander* against the Emperor *Frederick*; but I hope our Author will not make his Case that of a Soveraign Prince, when the *Chalcidenses* refus'd to deliver up *Nauplius* to the *Greeks*, (as we have observ'd before) it was after they had found him Innocent by a formal *Tryal*; and that obstinacy of the *Gepidæ*, (even by which they perisht) was not for *protecting* a Criminal in the Case of *High Treason*; and for a more Modern Instance, when Queen *Elizabeth* demanded *Morgan*, and others out of *France*, and was refus'd, it is apparent, it was upon a particular revenge the *French* King propos'd to himself by way of Retaliation; for he would not so much as offer her to put them to a *Tryal* there; which all Authors do indisputably agree in, ought to be done, and which the * *Dutch* themselves in his own Case grant to be reasonable, though they do not put it in Execution; for

34 *Eliz. Cambden*, fol. 25.

* *Vid.* Answer to 2d. Memorial.

for he told her plainly, † that he *could not* (that is more truly) *Would not* take any *Cogniſance* in *France* for any thing they had done in *England*, tho' what the Queen purſu'd them for was *High-Treaſon* too: But when we come to *Conſult* the *Hiſtory*, we as ſoon come to ſee the *Reaſon* too; and that was return'd in the very anſwer of the King's, *viz.* that the Queen had not long before * receiv'd *Montgomery*, the Prince of *Conde*, and other French *Fugitives*, into her *Protection*; and truly, if we conſider her as encouraging all the troubles of that *Kingdom*, and *his* Subjects that ſhe aſſiſted when in Arms againſt their *King*, in a cruel *War*, and that againſt her own Articles of *Peace*, it cannot be expected ſhe ſhould meet with much Complement from ſuch a King, or the Common Juſtice that the Laws of Nations would allow; neither would it be a rational Concluſion from *Particular* Inſtances, and thoſe *ill* apply'd, to ſubvert a Univerſal *Rule* of *Reaſon*, *Equity*, and *Right*.

† Si in Anglia quid machinati ſunt, Regem non poſſe de eiſdem cognoſcere. *Cambd. ibid.*

* In ſuum regnum *Montgomerium* Principem *Condæum*, &c. admiſiſſe *Comd.* 1585.

This *Obligation* of **Honour** that all Soveraigns lye under, to protect, whom they Naturalize, againſt *every thing*, is, I think, another of his unlucky *Reflections*, and that upon the **Honour** of all Princes. I cannot tell You what ſenſe ſome ſort of People may have of this *Honour*, that don't uſe to ſtand much upon having *any*; but *Crown'd Heads*, that are generally the Fountains of *all* that is *Honourable*, treat one another with more reſpect. The ſenſe that the Ancients had of this *Obliging Honour*, was briefly this: *Dion Chryſoſtom* ſays, that among the many Miſchiefs that attend Governments, and cauſe all this Diſcord and Diſturbance, he counts this for one; The *protecting* Criminals and Offenders, that fly from one City to another; That

Vid. Vind. p. 5.

That the next Degree to *Treason*, is to harbour and *Protect* **Traytors**; and next to the *Renegadoes* are those that *receive them.* This is observ'd by † *Grotius* out of *Quintilian*, and our Authors offering to put this Principle upon the *States*, is by the Consent of their *own Grotius*, the greatest Libel upon their Lordships; they might have been more *honourable* and *wise*, than to permit a particular Person's Crimes to Be paum'd upon them, for an Interest of State, and a single man's Offence, (that can hardly be said to be a *Subject*) to make their Government suffer by a *national* Imputation: And thus *Æschines*, in his Answer to *Demosthenes* declares, in his Treaty with K. *Philip*, for the Peace of *Greece*, *That the Malefactors themselves, and not their Cities, should suffer for their faults*; which nothing but the *punishing* or *delivery* of the Criminals can excuse; and for this reason the *Cerites* presently left it to the choice of the *Romans*, which they would have? And as I observ'd above, I thought the *States*, would have been more *truly honourable*, than to entertain such Maxims of Government for a point of *Honour*, and that the Wise Administrations they have many times shewn, would not have permitted them to receive it, as a point of *Wisdom* or *Policy*, and that from an Instance, that these their most Learned Statesman that ever their Country afforded, (or indeed any other) has applied to the Case, and that is *Basilius*'s sending to *Cosroe*'s, for one that was his *own* Subject; but being declared a *Rebel* and a *Fugitive*, tells him, *he hoped he would be so prudent, as not,* * *by* **Protecting** *him, to countenance such a President against himself.* And indeed, this has been in this last Age, the real occasion of debauching it into our Author's degenerate Principle of **Honour**, when by the first Breach upon its Purity, other Princes were disengaged

† *Grotius*, Lib. 2. C. 21. Quintil. Declam. 255.

Ibid.

* Somewhat to this purpose said the *Romans*, when they sent for *Jugurtha*.

gaged from those *Obligations* that they had to it, and forc'd by a most prepostrous piece of Gallantry, to recede from the very Rules of **Real Honour**, for fear of putting up of Injuries, and failing *of* the *satisfaction* of a glorious and *honourable* Revenge: And in this sense indeed I can submit to the Saying of our Author, That *it is practised by all Princes as often as there is such occasion for it.* *Vid.* Ibid.

And therefore I can further agree with him, that the *States* are no further bound by it to the *King*, then the *King* is bound by it to the *States*, unless we could fancy a Deeper Obligation in a Monarch to adhere to the Rules of right *Honour* from his Royal Blood, than can be expected from their mixt Constitution, in a Democracy; and this *Mutual Obligation*, as appears from the repeated Arguments of History, Reason, and Law, is as Reciprocally *obliging*, where there are no Leagues or Articles to make it more *binding*; but where there are, it only supersedes all doubt, and makes it almost a *Forgery* to dispute it: And should a *Dutch-man naturaliz'd* (as he puts it in his inverted Case) be demanded for so high an offence as *High Treason*, His Majesty might doubtless deliver him up, or Punish him, if convicted, upon a legal Trial of his Peers, and that by the Laws of all Nations, were it not specify'd in any particular League; for as it is prov'd before from all the Topicks of Argument, that Law or Logick, History or Fact can afford, that this *Naturalization* being but at best an *Acquir'd Allegiance*, cannot eradicate that *natural* one that is immutable: it priviledges them only in things that respect their *private persons*, and not against the *Publick Relation* they retain to their Country; it cannot *legitimate* him, if he be there *born* in it, a *Bastard*, and can no *Vid.* Vind. p. 52.

more.

more make him a *good Subject*, if he be fled from it for a *Rebel*.

Vid. Ibid. p. 5. The Custom and Right of our being *tryed here, per Pares*, is with submission, nothing to the purpose; for in Leagues and Alliances, we being to be guided and governed by the *Civil Law*, if such a Criminal be *delivered* up, it supersedes his *Tryal*; and if he be *try'd* according to our *Common*, it prevents his *Delivery*; and if it be for such Crimes as are punishable by the Laws of *Nature* and *Nations*, (as *Treason* and *renouncing natural Allegiance* were ever reputed;) it may be *try'd* by the *Imperial Law*, as well as the *Municipal* ones of any Land. These are Transactions of *States*, and Measures of *Government*, that must no more be confin'd to our *Acts* of *Parliament*, than is the *soveraign Power* of making *War* and *Peace*, (and upon which both of those commonly depend;) but our unfortunate Author continues only in this, his *unlucky* touches, so unusual against his own Interest; for if he's an *Englishman* (which in this Case, out of Favour we'll grant him leave to fancy himself) he ought to be *try'd* by his *Peers*, and the Custom of their Country, not admitting such a sort of Process; the Evidence being transmitted hence by way of Memorial or Proof, it would only give *our* Government a juster Reason to demand him, and *theirs* from the peculiar Proceedings of our *Municipal* Law, to think, they cannot *do him full and speedy Justice in the Court of* Holland.

Vid. p. 4.

And in Matters of such mighty moment, as the Concord and Amity of Crowns, Leagues, and Alliances, of Princes, and States, private Persons may lye under an *Obligation* of *Honour* and Honesty, and perhaps Piety too, that may not be very pleasing to such an Offender; that is, to make a *voluntary Dedition* of them-

themſelves, to prevent any dangerous Conteſts, and *publick* Calamities that might enſue, or at leaſt to retire out of thoſe Territories, where an obſtinate Continuance may create an unhappy Diſturbance: This might be counted a more *becoming Prudence*, inſtead of an || *unbecoming fear*. This, ſome Caſuiſts have thought the Duty even of the moſt *innocent* Perſons, and is only more obliging upon thoſe that lye under the Suſpicion of the greateſt *Guilt*. This, though he be not bound to it by *Right*, yet he may be oblig'd in *Charity*; and thoſe which are no Acts of Juſtice, yet may be done out of Piety and Love, which as they cannot be performed without *Praiſes*, ſo they cannot well be *Omitted* without *blame*: And 'tis our Author's peculiar Affectation, that with † *relation to the Publick*, he is *free from the very fault of Omiſſion*: but he is too apt to *value* himſelf upon his Excellencies, and even ſuch as can't be well call'd his own, though the greateſt Advantage he has, and that is, the being *protected* againſt the Reſentments of the King of *Great Britain*, was of ſuch an inconſiderable *value*, as hardly to be worth the asking. Our Author might have forſook the Country, as tender as he is of the *Rights* of it; which would have remain'd perhaps more *unviolated* than ſome Princes may think, thoſe of all *Nations* are in his *protection*; I know, the perſwading ſuch an Hero to a *voluntary retirement*, is much ſuch another Task that an Ingenuous perſon undertook to perſwade our Uſurper to *Hang himſelf*; but as that *killing* might have been indeed no *Murder*, and been better juſtify'd than any of the Caſes and Arguments of Dr. *Don* to perſwade us to that unpleaſant diverſion of a *Felo de ſe*, in his Learned Treatiſe of *Suicidium*, *viz.* from the great Obligation that Tyrant would have laid upon his

|| *Vid.* Vind. P. 5.

† Pag. 6.

Pag. 5.

Vid. His Βιοθάνατος.

Country; so I humbly conceive, both the Countrys, to which our Amphibious Subject does owe an Obedience, had been better oblig'd, had he, what he so scorns,

Pag. 5. *withdrawn of his own accord*, it had superseded a *National* Contest, about a *private* person; who as high as he

Pag. 6. is, that we are so *below* his Answer, is really, notwithstanding his *value* and *vanity*, is more *turbulent* to *both* States, than in *either* of them *considerable*.

This Expedient was neither ridiculous, as perhaps, it would have *appear'd* to our Author, nor Impracticable, as from some Instances shall *appear*; so *Pactyes*, the *Persian*, as is recorded in *Herodotus*, when he was not *deliver'd* up by the *Cymæi*, of his own accord, for an Expedient for the Peace of both States, fled to *Mytelene*; and *Phocion* to his Friend *Nicocles*, went a little further, who thought, that least things should come to an extremity, if *Alexander* demanded him, he ought to *deliver* himself up. It was the saying of a Noble *Roman*, that if his Enemy had surrounded him at Sea, and threatned a sinking of the Ship, if he were not *deliver'd* up, to preserve his *Friends* from danger, he ought to Sacrifice himself to the resentments of his *Enemy*, or the mercy of the Sea; and (without the help of *Horace*) the Metaphor of the *Vessel*, may be fitted to Kingdoms and *Common-wealths*, when History has here told us, how much of misfortune has befallen Principalities, from these unhappy differences about Mean and Private men, but though our Author *does* so swagger it out with his Excellencies, and Sublimes, his *stoutness*, and main-

Vid. p. 5. taining of his *Post*; such Application to the present Case, would I hop'd once have been for ever superseded from the prudent Administrations of two such flourishing Governments, and the Publick *Peace* never have been interterrupted, upon the account of a Man, *that is too*

mean,

mean for an Article of War, and who, if His Majesty's Honour had not been so highly *invaded* from the Permission his Libellous Defamations have met with, is as much *below* a Prince's *Resentment*, as he is *beneath* the *Protection* of a State.

The *Case* of the French *Fugitives*, who are receiv'd here, and which by the greatest abuse in the Application, he would make to be his *own*, is, as I just touch'd upon before, quite foreign to his purpose: *They* indeed deserve *pity* and *protection*, when such Offenders merit as much *Punishment*; *Their* Crimes are truly like those of the *Primitive Christians*, only the Religion they Profess; and *They* are but ill us'd, when Criminals that are prosecuted for High Treason against their Prince, draw such unlucky *Parallels*, and make a Judicial Prosecution of the highest *Offender*, to be the same with a terrible Persecution they suffer for no *Offence*. Mr. *Varillas*, after all his rude Reflections, ought to return him Thanks for making *Heresie* to be *Treason* and *Rebellion* too; those Crimes, as has been sufficiently shewn, were never Tolerated, never *protected*, nor ever can be in any Kingdom or State, neither in *naturaliz'd* Subjects or *Natives*, against *foreign* Princes no more than against themselves at *home*; whereas * *Athens*, and all Cities, have been ever reputed Sanctuaries for the * Persecuted and Afflicted; and *France* it self cannot complain, as we see it neither does, against such a Charitable Reception, since their own King *Pepin* receiv'd and *protected* all those that fled to him out of *Normandy* for a *Persecution*: And the Emperor *Ludovicus Pius* did the same to those that for the like fled to him from *Rome*; as they may see by a *Decree of his in their own †*Gallican* Councils: So that our Author *Libels* them as much when he applies their *Persecution*, as he *belys* our King, when he says he is * *Persecuted*.

Vid. Id. p. 5.

Vid. p. 5.

* It was for such they set up there their *Ara Misericordiæ*, says *Pomponius*.

* An. 817.

† Tom. 2.

* *vid.* 1st. Memorial.

SECT. VIII.

AND now to ſumm up this conteſted Point for the Honour of His Majeſty, and that of the *Engliſh* Nation; both which are not a little concern'd in the late Tranſactions that have paſt between us and our Neighbours, both with relation to the Caſe of this Celebrated Author, and ſome other of his Subjects which comes much to the ſame, out of an humble deference to thoſe that were in Alliance with *their* State; He might leſs have preſum'd to cenſure, and reflect on *ours*; but our Author made the more bold to *Invade* the King firſt with his *Libels*, to facilitate that *Invaſion* he had encourag'd with *force* and *Arms*; being adopted into the *Treachery* of the *Dutch*, (which in him was *Treaſon*) he might more confidently flouriſh with his *Pen*, when he ſaw the Sword a drawing: And ſince this turbulent and pernicious *Pen*, which from its Excellency and Applauſe, is only qualify'd for to do the more of miſchief, has met with ſo much of Permiſſion, as to juſtifie it ſelf againſt ſo many ſeveral Memorials of the King of Great *Brittain*; and that in a Paper in which I am my ſelf ſo much concern'd, where (if he will not take it for *foul Language* too) I muſt thank him for *abuſing* me in ſo good Company as the *King* and his *Miniſters*, and this, with prefixing the Glorious *Fiocco* of his renowned Name, to the *Front* and *Finis* of as confident a piece, to

let

let the World know he would no longer be *Incognito*, and the *States* too, that they ought to take notice of it; since all this appears in *Holland*, as open as with us any of our *Imprimaturs*, I hope I need not Apologize *much*, for a *little* Liberty that I take, and that the Author of the *Parliamentum Pacificum*, ought no more to be *puniſht* at the Inſtance of Mr. *F.* only for having made but a *modeſt Reflection* upon the Paper of a *Miniſter*; then was the Author of ſo many Virulent ones (upon the *Memorial* of His Majeſty ſolemnly preſented;) for the defaming of his Government; and it is a real Maxime, even among the Laws of Nations, that the defenſive ſide has alway the moſt to ſay in its juſtification, and that little remark that I firſt paſt upon ſome of his Papers, (his very perſon being unknown to me) was really the reſult of thoſe many Malicious Reflexions he had made long before, upon the very perſon of His Majeſty, and the Adminiſtration of his Government; and theſe publickly diſpers'd, as I was well inform'd, for the depraving of the Minds of the King's Subjects abroad, and tranſlated too into other Language for the making the King and his Miniſters more univerſally odious, and Contemptible to Forreigners themſelves: And ſent us over here for a *pack* of Preſents, that like the *Box* of *Pandora*, when open'd by *Epimetheus*, contain'd only *all kind of Evils*, for the infecting us with the worſt of *Diſeaſes* and *Calamities* that can befall a Kingdom; the *Diſtruſt* of the *Prince*, and the Diſcontent of the *People*. Six Papers.

The Queſtion that does really ariſe from theſe Obſervations, is ſhortly this; *How much His Majeſty was concern'd to repreſent this to that* Government *under which theſe His Defamations were made? And how far it affected*

affected that Government, in which He made these Defamations?

Vid. Pag. 5.

1. The Obligation of **Honour** that all Soveraigns *come* under, is of great weight and *Consideration* with our Author, when it must oblig'd them to *protect* all sort of *Criminals*, and how comes it to be so *inconsiderable*, when some satisfaction is sought for, even for the greatest **Crime**, *High Treason*, and the *highest* indignity: I confess, in Countrys where more profitable Maxims obtain, it is a good Aphorism, that *he is the* **Most Honourable**, *that has* **Got most**, and *Honour* as well as *Godliness* with some People, may be *great gain*; but this is not the Case with *Crown'd Heads*, and a Power *truly Soveraign*, they are oblig'd to the most tender *regard* of their *Honour* and Dignity, and the least Violation of it *unregarded* and neglected, is a *Stain* upon their very *Purple*; and this has been formerly confess'd by the readiness of those people, to give satisfaction to the least resentment of Queen *Elizabeth*, that perhaps are not so forward now to give a satisfactory answer to the demand and Memorial of His Majesty; the difference lying only in this, that they were then the *Distressed States*, and now the *High, and Mighty* ones.

The Reputation of a Prince does so far, I confess, (if we may with the Poet, compare great things with small) Symbolize with that of the meaner sort, and the *Credit* of a Merchant, (and which I know with such a *Trading People*, must be mightily valued and esteem'd) that the stock of his *Honour*, and *Wealth*, his interest in his Subjects, his strength at *Sea*, and his Forces at *Land*, like the others *estate*; his *Bank*, his *Effects*, his *Esteem*, are for the support of his Dignity, to be advanced rather by Fame and Report, even beyond the

the real Proportion that they bear, and then how injuriouſly muſt He be dealt withal; when by ſlander, and reproach, he ſhall be repreſented **oppreſſing* of his Subjects, *contemptible* to his *Neighbours*; his *Forces vilify'd*, and his *Affairs perplext*; and we all know a *Common-wealth* Fam'd, only for a reputed Bank, that carries, perhaps, and bears up*it's beſt reputation in the World upon *this very* Bottom; and in all their Civil Actions among themſelves, inſiſt mightily for reparation, where any *private* Credit is leſſen'd; or from Forreign *States* where it is *publickly* undervalu'd; and if this be their *Common Law*, I am ſure their *Civilians* † teach Princes too as good a Leſſon, that *Kings*, and *Kingdoms* ſtand upon their *Fame* and *Eſteem*; and that this *Fame* of theirs is therefore to be *defended*; and that it would be a Crime in them to *forgive*, or *forget* to *vindicate* it; and all Caſuiſtical Divines (if we may tell our Author any thing that appertains to his own Profeſſion) do reſolve, that Soveraign Princes, cannot remit thoſe Indignities that are done to themſelves, ſo ſoon as private Perſons the Injuries that are offer'd them; becauſe their Subjects have a ſhare in the Affronts that are offer'd to the Soveraign, which if he ſhould put up, (it being an Injury to the *publick*) ſuch a *Diſpenſation* and *Indulgence* would indeed be only *void* and *invalid*.

* *Vid.* Six Papers.

* Quod ſi Reſpub. Veneta; Regibus æqualem dignitatem ſibi aſcribit, quanto meliori Jure Fœderatum Belgium. Hornius diſſertat. Hiſt. And we know an Author that ſtyles them *Regum Domini*.

† Etiam ſtant Reges & Regna ſuo nomine & Exiſtimatione; quare nomen augeri oportet, & Culpa fuerit relaxare vindictam. Alber. Gentil. de jure. Bell. Lib. 1. c. 28.

Had the *Memorials* of His Majeſty, which this Reflecter here has repreſented ſo * *ridiculous*, ſo *groundleſs*, and *inſignificant*, and this with the Publick *Imprimatur* of his Pompous Name, been only for Injuries

* *Vid*, Vind. Pag. 3. 4.

ries done his Subjects, his Subjects could have more honeſtly acquieſc'd, and leſs reſented a Reparation refus'd, and thoſe, from the *Butcheries* at *Amboyna*, to the *Buſineſs* of *Bantam*, might all have been more handſomely forgot; but where their *Prince* himſelf, and his *Fame*, by the moſt virulent Pen, and a *Fugitive*'s too, is Perſecuted and traduc'd, and that openly, by an Author that ſcorns to be Anonimous; this cannot be ſo ſoon put up at *home*, and requires a more ſignal Reparation from *abroad*.

And thus it moſt pertinently comes now before us in the next place to conſider, how far a Kingdom or a Common-wealth is affected, (from the general Opinion of Caſuiſts, Stateſmen, and Hiſtorians) by thoſe very Miſdemeanours, which againſt a foreign State, their Subjects, and then *a fortiori*, any *Fugitives* may commit. In the * former Treatiſe it ſo fell in our way, that the touching upon it could not be well avoided, but even there it was referr'd to be more fully manifeſted in this more proper place, and which ſhall here be as faithfully performed.

* *Vid.* Our Anſwer to the 1ſt part of Dr. *B*'s Reſl.

It is agreed then by all thoſe Writers, That all *private Injuries* become *publick* and *national* ones, where any *Kingdom* or *Nation* does † neglect to puniſh them in their own native Subjects, or make ſatisfaction to the Party injur'd; What then muſt be inferr'd, where the Injury has been offer'd to His Sacred Majeſty, his Publick Miniſters, and this from a *born* Subject of his *own*, and ſubjected only to them from a Naturalization *acquir'd*? And † *Grotius* himſelf carries it ſo high, that even in things done contrary to *friendſhip*, there ſhall be imply'd a Violation of *Peace*, and certainly the permiſſion of any Indignity, or connivance the leaſt Contumely that has occaſion'd ſo much *War*, muſt

† *Vid.* Albert. Gentil. id. L. 1. C. 18.

† De Jure Bell. l. 3. c. 20. §. 40.

must be accounted an *unfriendly* Act: They further say, that a Government which does not prevent by expreſs Commands, ſuch Reflexions as our Author has made on their Friends and Allys, is lookt upon it ſelf, as concern'd in their making; for defect of ſuch a Prohibition *: They ſay, that a Community that neglects to make amends for ſuch a Fact, involves it ſelf in the guilt of it; and it is ſaid by the Celebrated *Agapetus* in the Works of a Prince, the Standard of all *Law*, and *Royal Equity*; that in ſuch Caſes, it is the ſame Crime not to * *prohibit* the *Offences of others*, and your ſelf to be the *Offending* Perſon.

* Qui non Prohibent *Tenentur.* Si Univerſitas negligit illud factum emendare illaqueat ipſa ſe. Alber. Gent. Lib. 1. c. 21.

* Juſtinian: par eſt delinquere & delinquentes non prohibere.

Our own Ornament of the Civil Law, and the late Celebrated Profeſſor of it at *Oxford*, has ſufficiently diſcuſt this Caſe, and ſettl'd it too, in ſhewing *how the injuries that are offer'd, only by private Subjects, can affect the Prince and People*; but becauſe ſuch *Partial* Authority may not obtain with *ſtrangers*; and our Authors *tranſlated Allegiance*, may have exempted him from giving that Credit to thoſe that could once have been call'd his *Countrymen*; let us ſee what *Grotius* himſelf ſays, into whoſe *Country* he is adopted.

Zouchæus de Jure fæciali. Part. 2. Sect. 5. Quæſt. Utrum injuriæ a ſubditis illatæ; principem vel populum afficiant.

It is generally held, (as he confeſſes) that no *Community* of Men is anſwerable for the faults of any *particular* perſons, and that gives occaſion to the conſtant Clauſe in Leagues, *de Publico Conſilio*, and this was allow'd of by *Livy*, as an Excuſe for the *Locrians* in the Senate of *Rome*, and to the *Rhodians* alſo in the ſame Senate; and to the *Vejentes*, pleading their Ignorance of their Subjects having aſſiſted the *Romans* Enemies; but all this is no warrantable excuſe to any Civil Society,

Principality, or Common-wealths, where any Act of Omission can be prov'd in the *Publick*, that contributed to the promoting, or permitting any *Private* Man's offence: St. *Chrysostom*, whom * *Grotius* there Cites; (and our Reverend Author cannot reject a name so Reverend) has the best excuse that comes nearest to this Case, and argues thus, *That it was not the common Crime of the City* (*or Community*) *but only of some Strangers*, and *Forreigners*, *that do all things* rather *rashly*, *inconsiderately*, *and out of ignorance of the Laws*: But even this is not excusable, where such a City, or Community shall connive at any **Fugitives**, or **Forreigners**, *committing* such a Crime, who must there, Contract the Guilt by *Imputation*, for not having hinder'd it *before* it was *committed*; to this does he apply the Arguments of *Cicero* against *Piso*, of a Consul that permits others to offend; of the saying of *Salvian*, *That he that has a power to prohibit an ill Act*, *and omits it*, *does in effect command it*; and that Soveraign Princes who are able to *prohibit* Crimes, approve them, if they *permit* them to be done, and who are bound to take care that *others* offend not: And another of St. *Augustine* himself, *That he that does not in such cases resist and oppose*, *seems to give his consent*; and this being a piece of *Divinity*, that interferes with the *Politicks*; (as *Grotius* observes) our Author,* I hope, will pardon this little Digression out of the *Province* he has put upon me: And for the *Roman* and *Fabian* Laws, *of Masters being punisht for the permission of their Servants Faults*; *Parents for their Childrens*, *knowing* of the *Commitment*, and being *able* to *restrain* it, (both which are too apparent in this Contested point) all these Cases arising only from Natural Equity, or Religious Rules, and Observances, are all by their *own* Statesman, and a most Learned one too, apply'd by a parity of reason to *Princes*,

* *Vid.* Grot. de jure Bell, L. 2, c. 21. S. 2.

* *Vid.* Vind. pag. 7.

Vid. Grotius *ut Supra.*

Princes, and their *Subjects*, their *Kingdoms*, or their *Common-wealths*.

King *David* in the buſineſs of *Rabbah*, and the *Ammonites*, made it the Crime of their City, for not *hindring* thoſe Indignities done him by ſome their Inhabitants. And if we may venture once more upon our Authors *Province*, St. *Chryſoſtom* in his Oration involves all the Inhabitants of *Antioch*, in the Crimes of the *Statues*, becauſe though committed only by a few, it was not puniſht by the Community, which general Imputation (he ſays) could have been avoided, had the Offenders been expelled the City: After ſo *Sacred* Authority, it would be ſuperfluous to add any Examples from ſuch Hiſtory as is call'd *prophane*; but Politicks (as our Author ſays) being more our *peculiar Province*, we may expatiate a little further upon ſome Preſidents drawn from the Practiſe of the Ancient Governments among the *Greeks* and *Romans*, as not improper for this place; ſeeing the moſt modern Conſtitutions, and moſt renowned *States*, and *Republicks*, do commonly take their Meaſures from them. Thus the *Grecian* Princes were Condemn'd for not delivering up of their *Iphigenia*; and *Polybius* blames the *Ætolians* mightily, who while they would not willingly appear Enemys to *Philip*, yet ſuffer'd ſome of their Subjects openly to act againſt him, and when the Queen of the *Illyrians* would have excus'd her ſelf to the Senate of *Rome*, that the Depræda-tions of ſome of her Subjects were done without her Knowledge, or Approbation; ſhe was anſwer'd, that no Prince could plead *ignorance*, of what was frequently, and *publickly* done; and that ſhe was anſwerable, for not *forbidding* that *injury* to her Allies, which ſhe muſt be preſum'd to *know*. Our Authors moſt Injurious Reflections on the King and his Government, have been

De Stat. Orat. 2.

repeated, often *Publiſht*, and *openly* own'd; ſo that there is but *little need* of that *proof* that may be deſir'd, and I wiſh there were *leſs* too, for theſe Unhappy Applications.

* *Vid.* Reſolution of the States Generals.

Thoſe that tell us, * *That it is ſuch an agreeable thing to nature*, That he who is born free, ſhould have the liberty of ſetling himſelf, whereſoever he ſhall think it moſt advantageous for him, I fear, will find too, from what has been here ſaid, that the Laws of *Nature*, and *Nations*, (as *agreable* as they repreſent them) are utterly againſt the *transferring* all *Allegiance*, after a *Dominion introduc'd*; I confeſs, ſuch a Notion is *agreable* to Nature, had we no other *Common-wealth* but that of Mr. *Hobs*; and there would be no need of inſiſting upon Articles of *Peace*, when we were bound to be in no other *State* but that of *War*.

* De Jure Bell. L. 2. c. 5. Sect. 24.

* *Grotius* himſelf, upon this point of *natural Liberty*, though he gives it as great a Latitude as any of his *Countrymen* can deſire, cannot extend it beyond the Reſtrictions of all *Municipal* Laws, and therefore grants, that in ſome Countrys it is not lawful to *renounce* their *Nation*, or *forſake* their *City*; and mentions for an Example, that of *Moſco*; and though by the late Laws among the *Romans*, any Citizen might remove his Habitation to another City, yet was he ſtill oblig'd to execute ſuch Offices as ſhould be impos'd on him where he *firſt* dwelt; & a ſpecial Proviſo by thoſe Laws, to compel him to pay his wonted Contributions; neither were they to depart out of all their Territories without leave; but even that Author when he has made this *Natural Liberty* to be much reſtrain'd by *Municipal Law*; concludes, that it is not ſo *agreable*, even to *Nature*, and that no *number*, or great Companys of Subjects, can be allow'd to deſert their Country, though ſome *particular* Perſons may,

and

and to Cap our Authors Allegory, on the *Diſpenſing Power*, of the **Dutch Dikes*, and the difference of *pulling of a flower*, and *breaking an Hedge*; this Author applies to this Caſe too, that it is *one thing to draw water out of a River, and another thing to turn the Courſe of it:* So that although this *Tranſlated Allegiance* and *Naturalization*, were ſo *agreeable* to *Nature* in the *particular* Perſon of Dr. *Burnet*, yet from the reſolution of this their own Lawyer and moſt excellent Statesmen, it is the moſt *diſagreeable* thing in the World, to extend it to ſo many *Regiments*, and *whole Companies*; for as he wiſely concludes from the neceſſity of the end, (which by all moral Maxims muſt create a right;) by the ſame Parity of Reaſon, ſuch an unbounded Liberty of ſettling one's ſelf, might be extended to a greater Majority, even to the Diſſolution of the whole Civil Society: And to this I might add, That the Conſideration that ought to have been had (upon ſome **Reſolutions* ſome People have of late given) of Our Subjects that were demanded, being all *Souldiers*, as well as ſuch a number of *People*, did make ſuch a *general Naturalization* more *diſagreeable* to *Nature*; ſince *Souldiers* muſt be *naturally* ſuppos'd, and that in *Peace* as well as *War*, to be more immediately requiſite to the Conſervation of a Government, than a ſingle Perſon, whoſe Profeſſion it is not to bear *Arms*; or only a *particular* Champion at the *Pen*, that under the Obligations of the *Goſpel* of *Peace*, does only diſturb the State, and would make the Church it ſelf too, truly *Militant*.

* Reflect. 1 part, p. 5.

* *Vid.* The Dutch Anſw. to the King's Memorial.

And ſo highly Injurious has this aſſuming the Subjects of another Prince been ever reſented, eſpecially when in *Great Bodies*, and that aggravated when the Perſons were *Military men*, that *Zonoras* diſcourſing of King

King *Lazus*, who had Revolted from the *Persians* to the *Romans*, makes it a Juſt Cauſe of War, between thoſe *Romans* and the *Persians*, becauſe the *Roman* General had drawn over unto himſelf the Subjects of the King of *Persia*. This is granted too by the Learned *Grotius*, and he inſiſts * ſeveral times upon the ſame Paſſage, for a Preſident. His Majeſty's *Memorial* almoſt in the ſame words expreſſes the Saying of *Sabinus*, That though every man has this *natural Liberty*, or the power to make himſelf a Member of what City he pleaſes, yet he cannot of the *Right* of *Dominion*, after another has been introduced; and therefore *Grotius* adds the authority of *Paulus*, That by the Laws of the *Romans*, all *Fugitive* Servants were liable to the right of *Reception*, whom their Maſters can ever claim, and they muſt ſtill remain their Servants, and that it is the greateſt Injury to *detain* them from their *Service*: And certainly then the Soveraign will have as great a Right to that of his Subjects. So that it is indeed ſomewhat to be admired, to ſee ſo lately the Laws of *Nature* and *Nations* alleadg'd to Juſtifie a Matter to which they *both* are ſo plainly repugnant, and by thoſe very People, againſt whom their own moſt applauded Author is the beſt of Advocates, and who plainly tells us too, in another place, * *That it is unlawful to receive ſuch as are bound either by Oath or otherwiſe, to perform any Service or Duty to another Prince*; and ſince their Lawyers *tell them* ſo, it will not be Improper to look a little into *our* Law, and ſee what that *tells us*.

* Lib. 2. c. 5. ſect. 24. Lib. 3. c. 20. ſect. 41.

* Lib. 3. c. 9. ſect. 11. * Ibid. lib. 3. c. 20.

By the Stat. of *Hen.* 7. * and the Reſolution given in K. *J.* 1. it is Plain, the King of *England* cannot be depriv'd of the Service of any of his Subjects, who are bound to ſerve him in *Peace* as well as *War*, both *with-*

* 11 H. 7. *Calvin's* Caſe, *Fac.* 1.

within the Kingdom and *without*, that *natural Allegiance* is *unalterable* and *unſeparable*, whatever *Liberty* of *Tranſlation* Some may pretend to; and by a particular Act of Parliament of K. *James*, (as upon another occaſion was before obſerv'd) the *Serving of Foreign Princes* with a *Tranſlation* of *Allegiance*, is particularly provided againſt by the requiring an *Oath* of *Obedience* before they go over, and making it *Felony* to go *without*: And, What can be imply'd from this, but their Obligation to *return* when call'd and *commanded*? And this is extended by the Comment of my Lord *Coke*, to a going over *without* ſerving, or to *Domeſtick* Service as well as *Military*: The whole Deſign of the Statute ſeems directed more eſpecially againſt Souldiers entring into Foreign Service, and by a more particular Branch of it, binds them * not only to take their Oath of Obedience, but alſo to give two ſufficient Sureties: And it was a Caſe once that came into Queſtion, * Whither the going only to live out of the Kingdom, without Leave, were not a Contempt, and an Offence puniſhable, and to be conſtrued as a Deſire to withdraw his due *Obedience*? And 'tis plain, that Queen *Elizabeth*, (whoſe Memory the States ought to Reverence, as well as our Author) after She had given Leave of Abſence in a *Foreign Service*, for ſome Years, upon a Refuſal to return on the ſending her Privy Seal, that Commanded it upon their *Allegiance*, proceeded againſt the Perſons as *Fugitives*, ſeizes, confiſcates, and ſells their Eſtates and Inheritance.

3 *Jac.* c. 5. 3d. Inſt. c. 23.

* *Vid.* Form of the Obligat.

* *Dyer* 298.

Id. fol. 375. B.

If theſe then are the Laws of *England*; if this has been reſolv'd in the Reign of a Princeſs, whoſe Proceedings no Proteſtants will diſpute, His Majeſty's Envoy might well declare, *The King could Recall His Subjects by his Royal Proclamation, or his Letters of Privy*

Vid. the King's Memorial.

vy Seal, and that they were bound to Obey those Orders upon *very ſevere penaltys*; and the *Memorials* of the Marquiſs may, with the Wiſer part of the World be thought to contain a great deal of ſenſe and reaſon, notwithſtanding that our Author has endeavour'd to repreſent moſt of them ſo abſurd and ridiculous.

Vid. Vindic. P. 3, 4.

But then all Doubt is excluded and out of doors by a *general* conſent and accord of *all* Stateſmen; and **Grotius* in *particular*, where it is decided by thoſe Obligations that ariſe from *Articles*, *Contracts*, and *Agreements*; and to *this*, thoſe that have conteſted it ſo much, by their own Conſent and Reſolution are bound, and have concluded themſelves; ſo that ſince a ſolemn *Capitulation* has been produc'd, and which we need not inſiſt on to make out, ſince ſo publickly known: The Proceedings of His Majeſty's Miniſter of State, (which our Author has undertaken to reflect on and ridicule,) will appear to all underſtanding People to be founded upon the Principles of *natural Juſtice*, *common Equity*, *National Laws*, and *private Stipulations*: And 'tis too plain now, for what ends His Majeſty has been deny'd in ſo juſt Demands, which muſt redound with all impartial People, as much to his *Honour* as to their *Shame*; and a *ſucceſsful* piece of *Injuſtice* has *juſt* as much *Equity*, as a *proſperous Villany* has to be entituled to the *ſpecious* Name of *abuſed Virtue*.

**Vid.* Ibid. *ut Supra.*

But ſetting aſide the unanſwerable Argument of the Earl of *O*'s Convention and Agreement in 78, I cannot ſee, but the Contenders againſt it, and theſe aſſerters of this *Natural Liberty*, had long before concluded themſelves by their own Act, in the Articles of two ſeveral Treaties, that of *Surinam*, in 67. and the other ſigned at *Weſtminſter*, in 73. for though by the firſt it was ſtipulated upon the Place, that inſtead of this

agreeable

agreeable natural Liberty, all the King's Subjects were to have the *Liberty* to remove themſelves after the transferring of the Place, to ſome other Plantations under His Majeſty's *Obedience*; which I hope imply'd, that their *Allegiance* was not to be *Tranſlated*, no not with the *Soil* it ſelf; this was thought *then* ſo *agreeable* to *Nature*, that it was admitted immediately as an *Article*, tho' it may be well remembred how thoſe *promiſes too were* **kept**; the King's Subjects indeed were **kept**, and *detain'd* contrary to that *very Treaty*, and this *Detention* acknowledg'd unjuſt by themſelves in the 5 Article, in 73, and that it ſhould be lawful at any time for His Majeſty to ſend Ships for his Subjects, and that they have leave to depart with all that belong to them, and that they themſelves were to aſſiſt them in their return; and this was granted by themſelves to *Grobbendonck* at the buſineſs of *Bois le Duc*, where they could not detain the King of *Spain*'s Subjects for theirs; much leſs than the K. of *Englands*. A. D. 1629.

And to which I ſhall only add, *That alſo in the Year 6¾ they caſhier'd *our Regiments*, & would have had them take a *New Oath* to *their States*, which they all generouſly diſdain'd, refuſing to *betray* their *natural Lord* by that *treacherous* Expedient of *tranſlating* their *Allegiance*. And ſuch an Averſion the *whole Nation* had then againſt this political Project of our Author's *Opiniatre* which he ſo prides himſelf in, that the *Opinion* of the *whole Parliament* was againſt him; and when the *Dutch* propos'd this *new Oath*, they paſt a Bill of Attainder againſt all ſuch as went over into their Service, and that though the Laws had made it Felony before; theſe, I confeſs, were *Heroical Attempts* of the *Dutch*, upon the Subjects of the King of *Great Britain*, to *tempt* them to *betray* their *Maſter*, (but * Id. *Heath's* Chro.

our Author being experienc'd in that point, wanted no *Temptation*) and if he will have one *Heroical Attempt* more upon *Honesty*, we know how his new *Masters betray'd* us, who when our Embassadors were *entring*, their Town to *treat*, most **Heroically** *enter'd* our River to *burn* and *destroy*; and who (tho' we are so *falsly* upbraided with a *French League*) did once really conclude a *League* with *France* to *betray England*, *which* (*as I am well inform'd*) the late King had under their *own* Hands to produce; and now, this *Heroical Invasion*, without the least *denunciation*, is most becoming the *Dutch*, and another *Instance* of *their* fair dealing with *Princes*, but *Time* may shew, that *England* dare not only *resent* this, but *revenge* it too.

Could it possibly have been avoided from the Contents of his Papers, I would not have given our Author the Glory (who of his own accord is too much given to affect it) of making *his* Cause that of a *Nations*; but since in this very piece he has labour'd so much to make it so; and those that are his Defenders, by *Publick Instruments*, *Solemn Replys* and *Resolutions*, (which our Adversary here with his Name affix'd, openly insists and relies on) have thought fit to interest themselves so far in his *defence*, His Majesty's Honour requires as *defensatory* an *Apology*, and our *English Nation*, as well as *private Pens*, reduc'd to a necessity of maintaining it: Argument I am sure is an *inoffensive* Weapon, especially when only us'd by them that perhaps have some *reason* to be *offended*, and till our Author returns us as much *Reason* and *Law*, *President* and *Examples* from *History* and *Fact*, to justifie his Cause, (as I may perhaps with Modesty say) has been here offer'd to overthrow it: The *Memorials* of the King of *Great Britain*, in spight of this Author's Reflecti-

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ons, will appear to the reaſonable part of the World, and all People unprejudic'd, to be *well grounded*, and notwithſtanding the *Reply* from the *States*, to be *ſtill unanſwered*.

SECT. IX.

AND now to come to this *Vindication of himſelf*, of which there has been nothing *like it*, unleſs it be the words in the *Title Page*, he *Charges* me for laying to his *Charge* ſeveral * Papers that I do not prove upon him; I confeſs, I cannot Swear to the Truth of them, neither can it be expected that I ſhould, unleſs I were in the ſame *Confederacy* with our Author, for the defaming of his *Country* and his *King*, and had been a * *Scribler* more *deſpicable* and *mean* than any but himſelf can make me, (*i.e.*) his *Amanuenſis*: But though he will not allow * Similitude of Hands to be Proof enough to *hang* him, I hope Similitude of Styles and of Circumſtances of Affairs may be ſufficient or *good* Evidence only to *gueſs* at an Author, and a *bad Man*. More particular Proof of my *Charges* might I ſuppoſe been as well referr'd to his *legal Tryal*, as he does his Innocency and Defence, his *Juſtifying* and *Clearing* of himſelf; but ſince he is not contented even with that *Charge*, (which he dares not deny) I muſt ſhew the World upon what it was grounded.

* P. 6.

* *Vid.* p. 6, 7.

* P. 2.

1. The Papers then that I arraign'd *for* his, in one of the former Treatiſes, and that *for* the moſt audacious Reflections on the Crown, and almoſt on the Memory of *all* His Majeſty's Royal Predeceſſors, were *thoſe* Sir that as *confidently* carry in their *Front* this Author's

Vid. Parl. Pac.

celebrated Name; They are Printed in *Holland*, which from the Letter, and Paper, and manner of Printing, I can prove (being no such Stranger to *Dutch* Books,) and it may be easily guest from whence we might expect Dr. *Burnett's*. These Papers are all *Pag'd in Common* with those Letters of His that were sent to the Secretary of State, on purpose, I suppose, to let us see they were *all of a piece:* They contain all of them either the *peculiar Concerns* of this Author, or else (what is as much his *peculiar Province*) the highest Defamations of the *King* and his *Government*; which for farther satisfaction I have in this Treatise *specify'd* and repeated. These Libels were long before, by a Præliminary Menace † of *Displeasing* His *Majesty* with a *Recital* of *Affairs*, threatned to be sent us; and the Dr. was indeed so *civil*, before he began his *War* with the Crown, to send a *solemn Denunciation*, and the *defying* of his *Prince* was an arrogance so agreeable to such a Subject, that it supersedes *Proof*, and a Man need not seek far to find out the Champion: Though I must confess too, that the foolish affectation of his having had such a **share* in Affairs *for this Twenty years*, (did not the Author's Vanity prevail against the Truth of the Fact, and a probable Credibility) one might be brought to believe then none of Dr. *Burnett's*. I do not hear of his having been to *either* Crowns a *Secretary* of State, or a *Privy Counsellor*; and by what has appear'd, he was ever reputed the worst man in the World, for to be one *a Secretioribus Consiliis*; since, if we can credit his own Relation, * only of my Lord *Lau—d's* Affairs, and the Character he had from an Archbishop of *Scotl.* he was not well qualify'd for so much as one *a Sacris Domesticis*. Some things are so *plainly *probable*, that they supersede

† 1 Lett. to my Ld. *M.*

* *Vid.* lb.

* *Vid.* Vind. P. 7.

* *Vid. Baldus*, ut Supra: Notorium probatione non indiget.

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the pains of any *Proof*; and that *Moral Certainty* we have of his having writ theſe *Six Papers*, is as good as *Demonſtration*.

The next *Papers* that I have quoted *as his*, are the *Reflections* on Mr. *Varilla's*; no one that I ever yet met with, did ever miſtruſt them for any *others*; and himſelf has taken all the Care in the World, that they ſhould be known for *his alone*.

His *Itinerary Letters* that I have touch'd upon, I hope he does not diſpute, or has not taken ſo much the *Liberty of a Traveller*, as to have occaſion to be *aſham'd* of the *Relations*.

The *Enquiry* againſt the Book of the late Biſhop of *Oxon*, has ſo much in it of our Authors malice, and revenge, that it would argue a defect of Reaſon to diſtruſt it; the *Cardinals Fiocco* came in (as an Allegory, I ſuppoſe) only to let us know, the Author had been lately at *Rome*; or elſe, it was moſt ridiculouſly apply'd to the Biſhops being *Incognito*, when he had ſubſcrib'd his *Name*, it is ſome Argument of his being its Author, that Dr. *Burnett* is the firſt Man, and moſt defended in it, though a better Doctor, and who, I think, is more dignify'd, as well as more hardly dealt with; (than from his Learning and Doctrine to be made a *Fanatick*, and *unlearn'd*) might have merited a more ample defence: The mighty work that it makes with *Manuſcripts*, and *Originals*; the great relyance this *Paper* has on the *Leige Letter*; let us know too at what Door to lay it, and if the extolling of *himſelf*, and his Hiſtory of *Reformation*, ſhall be any Argument againſt his being the Author, it muſt be only with thoſe that are unacquainted with his *Arrogance*; his exceſſive vanity, and *fooliſh* affectation, which I muſt profeſs, is only more ridiculous in a perſon that has ſo many pretences

Pag. 1. Pag. 7.

from

from his *Reading* and *Learning* to be more *wise*; these *Sublimes*, these *Exalted* Flights do not agree with his late * *humble Imitation*; and the Condescention of making his *Person mean*; though we *Despicable Scriblers*, must be even *below* that; so that I suppose, at best, this *seeming Modesty* was forct in only to serve a turn; and his *opiniatre* is retain'd under the more præposterous affectation of an *humble Pride*; but I must in this acknowledge our Authors Civility, that amidst the reproaches of *Despicableness*, *Mercinariness*, *Ignorance*, and *Scribling*, I am less scurrilously treated, than this Paper of his has the *Prelate*, whose Dignity might have defended his *Person*, though it had been less *Learned*, and *Ingenious*: foul Language is as *little* to be found in our own Writings; and I fancy I have shown out of other Peoples, where there is *much*: no *common confidence* could accuse us for that Undecency, that had so much reason to reflect upon it *self*, and *blush* at the Accusation.

* *Vid.* Vind. pag. 16. 7.

The Memoirs of the late King's Life, I charg'd him with no further, than himself had threatned the World with the Writing them, and so only anticipated their Credit and Authority, since they were to come to us from such hands; and if he fancies that I fasten an Answer to the *New Tests* upon him, which is none of *his*, I do seriously confess to him, that the *Paper* I there cite, I never conceiv'd to *be so*, neither had reason so to do, since there is another to the same subject, that is only more *seditious*, and which among the *Six*, himself does own.

Vid. Par. Pacif.

Thus, I hope, the *Injurious* Accusation of doing him such *injustice*, is but *ill grounded*, since it has been so well shewn both to *him* and the *World*, upon what *ground* I went; neither does himself think fit to deny any single Paper I have put upon him for *his*; and for his

his Preface to *Lactantius*, I had no occaſion to take *notice* of it, ſince what vilify'd the Kings Government, came only under our Conſideration: I confeſs, I remember the Piece *Printed* at *Oxford*, and that before our Author was ſo fam'd for *Printing*, and that with *better Notes*, than it has now a *Preface*: the beſt part of which is only *borrow'd* from *Biſhop Taylor*, though ſo much *owned* by Dr. *Burnett*; but ſeeing he takes it ſo unkindly we ſhould paſs it by, I cannot but civily give it theſe few rational remarks. *Vid.* Vind. p. 6.

1. That our Authors *then running down* a Perſecution, was rather the Reſult of his revenge againſt ſome of the Church of *England*, that kept him from *running up*: It only ſhews how ready he is to write on all Subjects, to ſatisfie his *reſentment*, or *Ambition*: and when he tells us (ſo Myſteriouſly) of what hereafter *may appear to his Enemies amaſement*; I cannot but imagin that he has ſomewhat in *Reſerve*, (which from a Conviction of his *Error*) is a Contradiction to his *Writings*, and all that he has *either ſaid*, or *done*: And I know he could heartily *diſpenſe* with his *Inclination* to *Indulgence*, rather than have it owing to the *Grant*, and Gracious *Diſpenſation* of his *Prince*; whom even in that very *Piece* he does endeavour to repreſent from the tys of his Religion, under all the *Indiſpenſable* Obligations to *Tyranny*, and *Perſecution*; and makes the great *Turk* even there too (from the *Mahometan* Faith) to be leſs oblig'd to be a *Tyrant* and a *Perſecutor*; this is certainly, not ſo conſiſtent with *Chriſtianity*, to repreſent the Profeſſors of the ſame *God* and *Saviour*, worſe than ſo many *Muſulmans*, and unbecoming that *Charity*, which more immediately appertains to *his* Function, and which *himſelf* at the ſame time does ſo much ſeem to *affect*. *Vid.* This *Preface* to *Lactant.* *Vid.* Vind. p. *Vid.* Præf. Pag. 24.

What-

Whatever have been the *Policys* of *States*, and *private Intereſt* of deſigning Men, among the Governments that are in the Countrys where the *Roman Catholick* Religion is profeſt; it is the moſt *uncharitable* Reflexion, (as well as moſt *unreaſonable*) to make it * the *Delight* of a Church, to *Bath her ſelf in Blood*, *Common Chriſtianity*, and even *Human Nature* cannot admit of ſuch a *Cannibal Accuſation*, and is a Calumny carried a pitch above *Julians*; and if *Papiſts* muſt paſs with us for *Pagans*, they may with Modeſty be call'd, *Human Creatures* too, but we muſt pardon in our Author, the making them ſo many *Monſters*, ſince from our Saviours *Character* of a *Lyar*, *and a Murderer*, he has made them ſo many * *Devils* too: Theſe *Barbarous Reproaches*, I think ſavour ſomewhat of *thoſe Brutal Exceſſes*, with which he has taken the Liberty to upbraid men of no little figure; and if this *Preface* be ſuch an Argument of his *mighty moderation*; I hope I have in *decency*, done him *Juſtice* now, in *taking notice* of *a Diſcourſe* which he has ſo glorioufly arrogated to be his *own*.

* Pag. 45. Yet note, that even in this *Preface* he grants *Perſecution* to have been more *pardonable* in the beginning of the *Reformation*: and of this mind long before him was *Ærodius*, even in the Caſe of *Hereſy*, *P. Ærod* rer. judicat. Lib. 1. Tit. 6.

* Pag. 25.

Vindicat. p. 6.

And for thoſe *Reproaches* he ſays I have caſt upon him, and with which I do *purſue* him, *which make it ſo below him to Anſwer ſuch a Scribler:* I have not rely'd upon my own Judgment in this matter for a Reply, but Conſulted even ſome that are no ſuch Enemys to my Adverſary, that can as well applaud his Writings, as do Juſtice to mine, who can find nothing in them of *foul Language*, or *Reproach*; and I believe I have ſhewn them now where *both* are to be found: If the repreſenting out of his own Papers, the moſt *Reproachful* Reflections on the King and His Government, be *reproaching* of the Author, I muſt acknowledge my ſelf very guilty of this Miſdemeanor; and I cannot help it, if I *am become his Enemy* for *telling* the *Truth*, or diſcovering his

his *Falſehood*; but ſome will be apt to think he was moſt of all his own *Foe*, when he ventur'd upon ſuch a piece of Confidence, of reviling the King and His Government with the worſt of Reproaches, that *inveterate Malice*, mingled with *abuſive Wit*, could dictate and invent; with what *face* will ſuch an Offender find fault, (unleſs with ſuch *an one* as cannot be *cover'd* with *Confuſion*) of whoſe *bitter Words* the *Lords Anointed* did of *old* complain; That under their *Tongues* was *Miſchief* and *Vanity*, *Tongues ſpeaking proud things*, *that ſaid their Lips were their own*; *and who is Lord over us?* The *ſpitefulneſs* of *Doeg* was but an *Original* of this Dr's, *devouring Words*, *all Words that might do hurt*, *and with Lyes too*, *cutting like a ſharp Razor*; and if ever that Royal Pſalmiſt had reaſon to make his Complaint of *Reproaches*, I am ſure His Majeſty may, that is as much *Reproach't*:

This *Exalting* of himſelf to ſuch a *Sublime*, in ſetting others though *unknown*, ſo *below* him; has given me occaſion to *know* more of the *Quality* of this Hero, than perhaps I ſhould otherwiſe have inquired into, and cannot find from the *Scots* Herauldry, that the Name and Family is ſo famous, (though his Father is here repreſented by him, as great as any *Patriot* of his *Country*) the *Standard of Loyalty*, and *Protector of Property*; the *Enemy* to all *Arbitrary Power*, as well as *Rebellion*, whatever has been this Noble Authors Extract and Diſcent: 'tis certain he does not much Credit to the Duſt of his Anceſtors, to taint their Honour with a Degradation; and inſtead of adding to their Atchievements, to bring them to be torn at the Market-Croſs. *Vid.* Pag. 6.

I confeſs if that would *ennoble* him, I am inform'd he has good luck with the Ladys, and that he was formerly *married** (for *I do not ſcorn* (as he ſays) *ſuch a ſimple Expreſſion*) to a Perſon of Quality; but I hope he will not boaſt too much of that Happineſs, leſt it ſhould put **Vid.* Reflect. 1ſt. part, p. 8.

people upon Enquiry, how unhandsomely he came to attain it, *which I am* told too, was by none *of the most reputable means*; but neither will this *elevate* him to that *height*, as to make others so much *below* him; for by
Dig. 1 9. 8. our *own* Laws of Honour, and the old Decrees of the Emperors, Women of *Quality* are reputed no longer so, when they marry *below* themselves.

Our Authors meritorious Services to the *Court*, I
* Vind. p. 6. cannot discover, though he * magnify's it much; but what will not an unimitable piece of Vanity aspire to? His Merits were never so many to make him much *known* to the Government, unless his endeavours may be call'd so, to do it a disservice, and some Creatures are most *known* by the Mischiefs they do, his preferment
Vid. Ibid. from his own Confession, was never so *high*, and some Objects are *below* the *Displeasure of* a *Court*.

And here I cannot but take notice of the most inveterate piece of Malice, that has yet past his *Pen*, tho' before we had Papers that were virulent enough, and as full of Venom and Viper; he tells us, that he is credibly inform'd, (which imports his belief of the Matter
Vid. Vind. p. 6. of Fact) *that many have been interrogated with Tortures to Accuse him*: Had he not design'd it as the severest Recrimination on the Crown, he might have expres't to us the Place *where*, whither *Scotland* was the Scene of this severity, and not left it to the Judgment of unthinking men to conclude it, a Court contrivance *here*; he knows our Laws admit of no such Cruelty; neither (as *I am* too *credibly* inform'd) was it *practis'd* with relation to him *there*; their Laws and Customs, I confess, admit it in extraordinary Cases, as well as *Foreign* Countrys, where the *Rack* is many times as rigorously extended as his *Boot* at *home*, but then I am satisfied it is upon the same grounds, which by Consulting

of

of Forreigners upon this judicial ſeverity I found in theſe ſummary Proceſſes, they proceeded on, and that it is exercis'd *only* where they find the Evidence ſo ſtrong, and the Proof ſo preſumptive, that nothing but the Priſoners Obſtinacy can oppoſe it, and that they are never *tortur'd* but in Capital Caſes, where their Confeſſion is only wanting to confirm their *Guilt*; where the Proof is ſo plain, that they could be executed without it; and upon which one of our Jurys might find them *Guilty*.

The Charge of *Betraying* his *Maſter*, being ſomewhat of an heavy one, the *guilt* againſt the Rules of common Gratitude and Morality, *a petty Treaſon*, one would have thought this Author in a *Vindication* of *all that relates to himſelf*, would have made his Innocency very plain; but this defence is indeed like all the reſt; *he excuſes his not being able to *betray* a *Maſter*, becauſe he never *had one* that could *properly* be call'd ſo; and *that he was* ever rais'd by the *King*, above the *ſerving* any *Subject*: I never heard of this *high* preferment that did ſo incapacitate him, unleſs it were that at the *Rolls*; and in that, I am ſure, he *ſerv'd* a *Subject*, and *had* a *Maſter* in more Senſes than *one*: This is ſuch a **Quibble**, and **Equivocation**, that *Cambridge* (whoſe true Learning, and Ingenuity, in the common Reflection is ſo much, and ſo injuriouſly abus'd) can never be ſuppos'd to have furniſht him with ſuch an Inſipid Jeſt; and that Provident and Learned Body, that perhaps out of a proſpect of his ill Principles, did once (as ſome ſay) refuſe him to Preach, will as little approve of ſuch a ſubterfuge in his defence: It is ſtrange that this Author that uſes to be ſo full *of his* ſlights, ſhould here ſo *poorly ſtick at words*: The Reflection I made, was grounded upon the known, and now his own confeſt Story, of *betraying* the late

* *Vid.* p. 1.

Vid. Vin. p. 7.

Vid. Vind. p. 7.

Vid. ib.

D. of *L.* a Story that he *Conſciouſly* owns I am not the only Author of; but it ſeems, his **Maſter** *was not thus betray'd*, becauſe (ſays he) this Noble Lord was *never ſuch* his *Maſter*; I cannot, I confeſs, imagine what this manner of excuſe can mean; unleſs he thinks from the Propriety, and common Acceptation of the *Term*, I repreſented him as *an Apprentice to the Duke*; for otherwiſe, the Defence is very lame; it imported only in general, with all impartial people, that he had *betray'd* a *Patron*, a *worthy Friend*, or a *Perſon of Honour* that had made him his Confident, for the firſt I am credibly inform'd, that he was *patroniz'd* as a Chaplain *there*; that he has been ſeen to officiate as ſuch at that *Table* which he *made a Snare*; but had this been but in the Caſe of a *Common* Friend, or Confident, I humbly conceive, the *Treachery* had been the ſame, the *Jealouſie* that occaſion'd that *great Miniſters anger*, it ſeems, was well grounded; and the Doctor tells us no more than this, *That the Duke alway thought he would betray him*; if this can be call'd a *Vindication* of *himſelf*, the *Reproaches* he accuſes me of, may paſs for his *Encomiums*?

Vid. Ib.

Vid. Ibid.

But for another Argument *e Confeſſo*, what can declare more fully his falſhood to be a propenſe, and revengeful malice? and (which he would make a neceſſitated Diſcovery) then his diſcloſing of his *own* accord, the Propoſal of a *Scottiſh* Peer, about Invading *England*, who was liable to the Laws of *it*, and that to a Member of its Parliament, and who, perhaps, he knew too to be no *friend* to this *great Miniſter* whom his ſuſpected Principles had made ſo much his *Enemy*, Can our Author reconcile this to common ſenſe? That the telling a *perſon of Honour*, and a Member of the *Houſe* ſuch a Tale, was not *betraying* it, or not the ſame, as if he had publiſht it on *the Houſe top*: **Oats** and **Tongue** *told* their

their Tale of a Plot to a *perſon of Honour*, and *Member of the Houſe, upon which it was ſo ſet about* that it was known to a *great many others*, upon *which they were ſent for to the Houſe*; and will our Author ſay *theſe Men* were unwillingly brought to own a deteſtable piece of *Forgery*? and which I am *credibly* inform'd *his* was too, for that late Loyal Peer is ſaid to have juſtify'd himſelf ſo far, that all that he offer'd at was only, that his Majeſty might be able to make more uſe of his Subjects of *Scotland* by his being inabled to call for their Service in *England*, to ſerve him *out* of their own Realm, as well as *within*, which was conſonant, and agreeable, not only to reaſon, but to ſome expreſs * Acts of Parliament, both of *that* Kingdom, and our *own*; and which, 'tis more than probable, this Doctor too, from the reſentment that he had of his *Sufferings under that great Miniſters anger*, did improve alſo into a *Plot* of an *Army*, a *Scottiſh Invaſion*, of *Spoiling*, and *Subduing* the *Engliſh*. *Vid.* Pag. 7.

* *Vid.* Acts Parl. of *Scotland.*

* *Vid.* 11. H. 7.

Ib.

It is pretty to obſerve how this Excellency of our Author does indeed conſiſt in *Writing*, that is, in *Black*, and *White*, when with a touch of his Pen, any Actions ſhall appear in what *colour* he pleaſes; he tells us of a *Perfect Reconciliation* that enſu'd between this great Miniſter, and himſelf, but ſays, That *upon ſome reaſons of his own, their meeting was defer'd*, or, *not thought convenient*; and I am much of this Authors mind, that upon ſome *reaſons* the Duke had, he *did* not *think convenient* to *meet him*; it was a good Argument of his Lordſhips *Cunning* and *Policy*, and as little proof of this *perfect Reconciliation*; that Celebrated Stateſman was never ſuſpected yet for want of *Wiſdom*; and it is a known Maxim, That a Man may *betray* me *once* by *his* being a **Knave**, but the *ſecond* opportunity makes me a **Fool**.

Ib.

Vid. pag 7. Coll. 2.

And

Ibid. And the Atteſtation this Author appeals to, of that Noble Peers *Nephew*, is all of a piece with the reſt of his *Vindication*, (that is) *nothing* of truth in it, or *nothing* to the *purpoſe*; I have taken pains to enquire into this matter; have conſulted my Lord *M.* that Honourable, and Ingenious Perſon he ſo injuriouſly reflects on, and find nothing of that Paragraph to be *true*, but his Lordſhips being *now of the* Roman *Communion*, and that was as invidiouſly forc'd in by our Author, for a Reflection upon his being *reconcil'd*, but the greater abuſe it muſt needs be, to faſten a *falſe* thing upon a Perſon of *Honour*, who ought to be handled with more regard to modeſty and *truth*, than if our Author was treating only with Mr. *Varillas*, or reflecting upon his *Scriblers*: He *Cites* this Honourable Perſon, as a *Witneſs*; but if he has none that could do him more ſervice, ſhould he appear to his **Citation**, I am afraid it
Pag. 7. would go hard with him at his *Tryal*: He *appeals freely* to his Lordſhip for *bringing very kind Meſſages to him from my Lord Duke; and ſignifying them to him after his death.* I confeſs, our Author ever gives himſelf a *freedom* with *great* Perſons, which is but a part of his *peculiar* Vanity, to *Aggrandiſe* himſelf; but I muſt *freely* tell him too, this is found to be *falſe*; 'tis ſtrange, that it muſt be the
* Lord *L.* Lord *R.* Lord *M.* misfortune of ſo * many **Lords** to ſuffer by ſuch a dangerous Correſpondent; this Noble Perſon *remembers* none of theſe *very kind Meſſages* he *brought* him, nor any that the Duke ever *ſent*; and that his Lordſhip might be more fully ſatisfy'd, not relying wholly upon his own *Memory*, it being almoſt ſix years ſince, as an Argument of his greater *integrity* and *Ingenuity*, has alſo as *freely appeal'd* to a perſon from whoſe *Function*, as well as *favour*, our Author can expect nothing but *Juſtice*; and that is a *Divine*, and his own *Favourite*, who

first introduc'd my Lord to his *unhappy* Acquaintance; whose Return is, That he *assures his Lordship there was not a word spoken by his Lordship in his hearing*, (who was present at the two several Meetings they had) *of any Message from the Duke of* Lauderdale *to the Doctor*. The *Original* Answer I have by me, as *also*, the *Copy of* the *Letter*, his Lordship sent.

So that I must conclude too, *I cannot leave this without taking notice of our Authors sincerity*; and assure him when ever he makes a better *Vindication* of his own, I'll pardon him the groundless *Reflexion* he has put upon mine. *Vid.* Reflect. on Parliam. Pacificum 1 part. pag. 3.

He tells me, in the next place, I pity Mr. *Varilla's* defeated condition, and so indeed I do Dr. *Burnett's* too, who wants nothing to his being baffl'd, but the modesty to acknowledge it, he is as *unlucky* here in his *Appeals*, as I have made him appear in some of his Reflexions, since the Learned Author at *Rome*, and the other at *Paris*, to both of which he has *appeal'd*, have both Vindicated themselves in particular Treatises against this bold *Appellant*; and our Author can make no further defence unless he intends to decide it by *Combat*; and I am much assur'd, his *Appealing* to his Friends there, about Monsieur *Var. not pretending to justifie himself, and receiving an Order from the King, to insist no more on the Dispute*, is as *unfortunately* false, and which we have taken care to enquire into; whatever are Mr. *Varillas* his faults, of which he cannot be excus'd; there must be much of Allowance made him for being a *Forreigner*, where the Exactitude of Names, as well as times, may fail him; our Author might be at no little loss, were he to Write their *French History*; though an *Historian* of *France* has lately Corrected *that* of *his Reformation*; and (as Schelstradt & Le Grand. *Vid.* Vind. p. 7.

some

ſome think) with good reaſon too; but I muſt ſtill retain this opinion, that a Native muſt alway have better opportunity, and be better qualify'd for the giving an Account of his own Country, from the eaſie Recourſe that he can have to *Records*, and *Originals*, and from the more natural Apprehenſions, and Conceptions he muſt have of the State of Affairs, and the temper of his Nation, than any Alien, though ſo long Educated in that Forreign Country of which he would Write an Hiſtory, that he might be ſaid to be *Naturaliz'd*; and this may make (perhaps) even *Polidore Virgil*, whom *many* Appeal to, and our Author once too much, to be leſs *Authentick* in our Affairs than he is commonly taken for, and whoſe *Authority* (if I miſtake not) is ſomewhat ſuſpected, if not Condemn'd, by a Celebrated *Writer*, Sir *Henry Savill*; and here I cannot but take notice, that our Author in as Celebrated Piece of his, puts in this *Polidore Virgil*, as an Auther of *equal Credit* with Mr. *Varillas*, perhaps, guided by inſtinct; but all the while means (as himſelf aſſures us afterward) honeſt *Harpsfield*: This ſounds at firſt ſight, as bad as *Haveit* for Sir *Thomas Wiat*; this was ſure no fault of the Preſs, neither could Mr. *Varillas* forgive him for all his *Errata*, ſhould his Reflection be anſwered (as one would think by the *beginning*, he did the Book of the Biſhops) (*i. e.*) before he read to the *End*.

Vid.

Vid. Reflect. upon his Cont. Hiſtory of Hereſie.

Vid. Errat.

Our Adverſarys fits of Arrogance often return upon him, and if the Tumors of his Body, were but commenſurate to thoſe of his Soul, he muſt needs die in a Dropſie; to be *pufft* in *Mind*, and to have *proud Looks*, was the Deteſtation of King *David* himſelf, and then but ill ſuits a Divine, that is ſo oft bound to read

read his Pſalter; our Author would have me *ſucceed* to that *Deſpicable Writer*, (as he calls Mr. *Varillas*;) but if his Obſervations upon that Gentleman be true, he has made himſelf the Succeſſor to all his Fooliſhneſs, and Affectation, in ſetting ſuch a Value upon the Excellencies of his own *Sublimes*. Pag. 7.

The Contradiction I * fix'd upon his Writings concerning the Temper, and Diſpoſition of *Queen Mary*, will ſtand, in ſpite of his Diſtinctions, and Endeavors to *evade* it. It has been the conſtant practiſe of theſe prejudic'd, and inveterate Hiſtorians, to make her very Nature *cruel* and *bloody*, and from an *Unrelenting Severity*; and ſome *unmerciful Inclinations* perhaps more Impartial Authors cannot clear her; and 'tis plain, that his Encomiums upon that * inſtance of her Clemency, was clearly the Reſult of his *Brutal* Rage, againſt the Proceedings of the chief Miniſter of His Majeſty's Juſtice; and that very Devil (whom for a touch on the * *Papiſts*) he repreſents for a *Lyar*, and a *Murderer*, ſhould have been made the God of *truth* and *mercy*, rather than have wanted an *elevated reproach*, and a Scurrilous Aggravation, againſt that Honourable Perſon, whom in every Paper he ſo ſcandalouſly ſtigmatiſes; this was only to *ſhew how* * *Rebels* were *hang'd up by Hundreds*, by him whom his more *exalted* confidence, has ſince call'd the * *common Hangman*: That lew'd Character, and *fouleſt Language*, was only a Duplicated Libel on the late King's Memory, his Judgment, and his Miniſter of State together, the falſeſt Aſperſion, and entire Fiction; the Character being in all its *parts* ſo diſagreeable, is of it ſelf a ſufficient Proof, that it was none of the late *Kings*, whom this Author, upon another occaſion to abuſe his Memory,

* *Vid. id.*

* Reflect. on 3 Tome of Mr. *Var.* p. 150

* *Vid.* Præface to *Lactantius.*

* *Vid.* His Reflect. on *Varillas* Continuation.

* *Vid.* His Apology.

* *Vid.* His Enquiry.

has * extoll'd for an Excellency in that way; but he that (though an unworthy Preacher of the *Rolls*) would have been a Maſter of the *Temple*, may be angry if diſappointed, for the ſake of a better Man; Theſe Exceſſes could never have been made *Brutal*, but by one that can as *brutiſhly* repreſent them; and this *Body of Divinity*, to gratifie its paſſion, does only diveſt it ſelf of *Humanity*, and tranſlates it ſelf too into one of thoſe *beaſts* of *Epheſus*, it fights againſt *Principalities* and *Powers*, againſt *Paul* too, as well as *Peter*; this Satyriſt himſelf muſt pardon *this* paſſage, when he reflects upon that Majeſty, and the Miniſters of his State, he has in ſuch a ſcandalous manner, Libell'd, and Traduc'd.

Vid. ibid. Vind. p. 7.

I made it appear in that Treatiſe, that his Contradiction was truly ſuch, according to the very definition of the Schools, with a *dicitur de eodem*, for if Queen *Mary*, was to be made Cruel in *Matters of Religion*, that Rebellion was really upon *that very* Score, and the *Spaniſh* Match but a meer pretence, and therefore I've proved upon him, that for his *God*, he can *ly*. And though ſome diſguſted *Papiſts* might joyn with him, his Followers were (to a very few) all *Proteſtants*; and his Reflexions upon that place, at beſt, but a *preſumptive Forgery*: for this Match is confeſt by * Hiſtorians, to have been of the two, moſt advantageous to Qu. *Mary*, that they reſolv'd once not to ſtir till K. *Philip* came; that ſo their taking up Arms might have the better Colour; and the Queen complain'd to the *Londoners*, that though he pretended only the croſſing of of the Match; yet his Audacious Deſigns, were to ſeize upon her Perſon, to have the Cuſtody of her, and

* Sir *R. Baker's* Chron. p. 318.

and the Command of her Counſellours, and 'tis ſtrange, ſince her Cruelty was ſuch in Matters of Religion, ſhe ſhould be ſo merciful to thoſe that really Rebell'd for it.

Thoſe *Acts* and *Monuments*, which in all other things muſt be ſo believ'd, and of which himſelf has ſo good opinion, as to give them his Panegerick; how comes it to paſs, that they muſt here have no Authority at all; *Thoſe* tell us, *That it was for* **Religion** *too, they Conſpir'd among themſelves, and made a* **Rebellion**, *of which this* Wiat *was one of the chief Beginners, who ſaid, that upon this Match, (and as he ſaid, many elſe perceived) the Queen and Counſel would Eſtabliſh the* Popiſh *Religion*; and in that *Monumental* Speech, he Records of the Queen, are theſe expreſs words, *That their Pretence, as they ſaid was at firſt againſt the determined Marriage, but that ſince ſhe had ſent certain of her Privy Council unto them, to demand the cauſe of their Rebellion, and it appeared unto the ſaid Council, that the Matter of the Marriage ſeem'd to be but a* Spaniſh *Cloak, to cover their pretended purpoſe againſt our Religion:* I cannot ſee, but this with all *Proteſtants*, muſt paſs for truth, if they believe the Martyrologiſt, and that * before the partial Account that may be put upon us in a Paper of his Sons, and the falſe Reflexions of a prejudic'd and diſingenuous Author: But mark the agreement of theſe Writers, Dr. *Burnett*, only where it makes for his purpoſe, tells us of a very *ſmall number* that were made Examples upon this Inſurrection, but Mr. *Fox* ſays, though there was but about an hundred kill'd, yet of thoſe that were taken, a *great many* were hang'd and Executed; they were hung up by *Fiftys*, though not by *Hundreds*, if we believe the * Hiſtory of Mr. *How*, and

Vid.Fox 1419. *Vid.* Dr. *B*'s Præface to Reformation.

* *Vid.* Reflect. on *Var.* Cont. p. 150.

* *How*'s Cont. of *Stow*'s Ann. pag. 622.

and even this * Author himself confesses so much: It cannot be deny'd, says Dr.* *Heylin, But that the restitution of the Reform'd Religion, was the matter principally aimed at in the Rebellion, though nothing but the Match with* Spain, *appeared on the outside*; the hope they had of the Earl of *Devonshire*'s Marrying the Princess *Elizabeth*, and restoring Reformation, animated the *Western* part, as well as *Wiat* did the *South*, and so satisfy'd were *Protestants*, that pure Religion was the Cause, that *Goodman* writes a Panegyrick upon this very Sir *Thomas*'s Exploit, to this purpose: **Wiat** *that did his Duty for the Maintenance of the Gospel*: **Wiat** *with whom all ought to have risen that profess the Gospel*: *O Noble* **Wiat**, *that art now with God, and those Worthy Men, that died in that happy Enterprize*: Lastly, This very Authors words are to this purpose, upon the place, *All that lov'd the Reformation, were against the* Spanish *Match*; and tells us, that *Wiat* in his Proclamation at *Maidstone*, (where note, that is the *only one* we hear of his in History) tho' he pretended nothing but the Liberty of the Nation, yet privately assur'd all the Reform'd, he would declare for them; and since there is such a Concurrent Testimony of all sort of Writers, of different Complexions, and even his own, is it not the most shameful piece of Impudence? to offer to obtrude such a Forgery upon the World, for which he can have no other foundation, than this Account, which he * Prints of his *Sons*, contrary to the sense of all Historians? Is it not more than probable, that this *Relation* was feign'd to excuse the *Father*? And are not all Families concern'd, as much as they can, to keep up their Reputation? If he has made no better Inferences from his consulting the rest of the *Records* that concern the Reformation, than he

Vid. Abridg. of Reform. l. 3.

* *Vid.* His History of Refor. Ann. Reg. Mar

Vid. Dr. B's Reform. Part 2. Lib. 2.

* *Vid* Reflect. on the Continuation of Mr. *Var.*

he pretends to draw from this *Original*, he has done it the greateſt diſſervice in the World, by his Imprudent Partiality, and Inconſiderate Concluſions.

But to confirm further the falſhood of this *Relation*, upon which our Author ſo imprudently relies; * I do not find from ſeveral of our Annals and Chronicles, that this ſame Sir *Thomas Wiatt* (as his † Reflections ſay) was ever ſent Ambaſſador to *Charles* the Fifth's Court; I have traced it from *Hen.* || the 8th's Reign down to Queen *Mary's*; Dr. *Heylin* makes no mention of it in his Hiſtory; neither does our Author, as himſelf confeſſes, Record it in his own; but this new *Diſcovery* is brought in now for a *Supplement*, as he ſays, to *ſupply* the *Defects* of it. If this be his ſincerity ſo much applauded, I am afraid even Monſ. *Le Grand* muſt have a great advantage againſt him. But what is ſomewhat remarkable, upon my enquiring into this matter, I find one Sir *Thomas Wiat*, about the 33 *of *Hen.* 8. * ſent Ambaſſadour to the *ſame* Emperour, but who died of the Plague while he was going thither; but whether this might not make the Miſtake, or that one of his Sons, or of the ſame Family and Name, ſucceeded in the ſame Embaſſady, I ſubmit to the conjectures of thoſe that will, I hope, make better *Concluſions* than our Author; I am ſure it is but a *bad* one that he makes from the *ſame* buſineſs, that is, becauſe no mention was made of B. *Poynet's*, * being in the Rebellion, by his Name not being among the many that were attainted for it; *he not in it*, when it is very probable he was left out only for his Deſerting them before they came to

* *Vid.* Dr. *B's* Hiſtor. of Reformation, which has not a word of it.

† *Vid.* Reflect. on Mr. *Varilla's* 3d. Tom. 140. || I find in *Hen.* the 8th's Reign, Sir *Henry Knevet* and *Gardiner* to be Embaſſadors to that Court, in 1541. and 1545. and Sir *Phil. Hoby* Reſident there in *Edw.* 6. Reign, 1548.

* 1541.

* *Bak.* Chron. p. 300. 8 Edit. *Lond.*

* Abridg. l. 3.

to *London*, since those Writers that accuse him of being an Accomplice, acknowledge too, that he Counsell'd them to shift for themselves, took his leave of them, and went into *Germany*; and 'tis a general practise upon all such Revolutions to Animadvert chiefly upon those that are seiz'd, and have been the most obstinate, and persisted to the last in such *rebellious* Undertakings: And I do not see why Dr. *Heylin*'s Authority in this Point; when he imparts also to us, the *Particulars*, should not be of as much force as Dr. *B*'s, when he gives us but a general Assertion from his one Supposition and Conjecture: And I cannot but take notice, how in the Account of this Affair, our Author would excuse those Rebels, and calls it but a sort of an *Attempt* upon *Wincheſter* House, when both Mr. *Fox*, and Dr. *Heylin* agree, that they *sack'd* it, and *defac'd* all the Bishops Library. That Author, in spite of his unjust Character, in his Proud, and Censorious Præface, has said too much against *Papists*, to be suspected for one, or hired for it; and who has not shewn so *little* bitterness against their Doctrines, and Perswasions, as to be thought *only* to write on one side, and to favour them so *much*; he shew'd himself so far a fair Historian, as plainly to lay open the faults of both Parties, and represents the Sacrilegious Proceedings of King *Edward*'s Reign, with as much abhorrence, as the Persecution of Queen *Mary*'s, and the Description of that, I am sure, he has not in the least favour'd; 'tis confess'd, he had not recourse to those many Records, that, perhaps, since; have not been so well explain'd, or truly Copy'd; neither did he design his Work so Voluminous; but his Sincerity seems somewhat beyond theirs that have so *confidently* traduc'd it: and from what has been here said, may be observed too, That

An. 1. Reg. M.

Vid. Hist. Ref.

Vid. Præf. to his 1 Vol.

there

* *there are ſome degrees of ſhame, over which when people have paſt, they cannot be put out of Countenance.* * *Vid.* His *Apology.*

And now I hope I ſhall clear my ſelf from his *laſt* Accuſations, having ſo ſucceſsfully been able, (even from his own malice and miſtakes, to defend my ſelf againſt all the *reſt*) He ſays, That in *State Matters* I *have not blemiſh'd* him much; but he muſt mean it for the ſame reaſon, that he has not *blemiſh'd* any *Miniſter* of *State*, (*i.e.*) by his *own* being ſo full of blots and *blemiſhes.* *Vid.* Vind. p. 7.

He * Accuſes me for venturing upon a *point of Divinity*, which (as he ſays) is *above me*, ſince I were only *entertain'd* to *Scribble* upon the *Politicks*: *Scribler* and *Scribling* are the beſt Terms that alwaies our Arrogant piece of *Opinatre* beſtows upon Perſons that write with more ſincerity, though not with the ſame popular Fame that this piece of Arrogance affects; but ſo many times does a *Mountebank* attract the *Mobile* with his pompous Name, and his having appear'd ſo much upon the Stage: I cannot ſee upon what this prodigious Vanity ſhould ſo ineſtimably value himſelf, unleſs it be for that Function which in *any other* I ſhall alwaies reſpect, and which himſelf has in All endeavour'd to defame. *Luther* was condemned for his undecent Reply to our *Henry* the 8th. and that by thoſe Proteſtants for whom he was the firſt Champion at the Pen: And ſure the Church of *England* muſt be aſham'd then of ſuch a Defender, that villifies his *King* with *Reproaches* that would be a *Scandal* to a Dutch *Scavenger*: Had the Proceedings againſt the Dr. been ſo ſevere, a ſubmiſſive Acquieſcence would have better become his *Coat* and Character; and where he ſays he had ſo many *Enemies*, * *Vid.* Ib. Vind. P. 7.

mies, procur'd him more *Friends*; People are apt to pity those that take Hardships patiently, when their uneasiness may make them seem to merit it: Whereas his Vindications only divest him of the Habit he wears, the *Cassock* of an *English* Divine, cannot Conceal so much Sedition, a *Cloak* of *Amsterdam* will become it *better*, and *cover* it *more*. But though he makes *Politicks* my sole *Province*, and *Divinity* so *much above me*, it may appear I understand as much of it as this comes to, though I don't make it my *Trade*; and it might be wish'd this Dogmatist out of the Pulpit, did not put upon us for Doctrine so much of his *Politicks* too; but it seems with such vain men as our Author, all *Human* Learning, as well as *Divine*, must be look'd for like the *Keys* (for which we condemn another Church) to *be hung at his Girdle*; I cannot see, but I might venture as boldly upon his *School-Divinity*, as our Author upon the *Court-Politicks*: And for my being *entertain'd* for that purpose, is but another Instance of Dr. *Burnett's* Faithfulness in his giving of Characters, which is still at a venture; those that are better acquainted with me, know best what has been my *Entertainment*, and I can defie even Malice to make out my being Mercenary; but we see now for what he was *entertain'd* in *Holland*. Whatever Reflections may be past upon our Writings, they have been alwaies really the Result of defending the Crown against all Antimonarchical Principles, and such seditious *Reflections*, by one who shall never be brought to make any Mollifying Distinctions or *Modalitys*, for the sake of any Persons or Perswasions, that behave themselves disrespectfully to their King, and shall ever condemn those that have

done.

done it, as much as what our celebrated Author has been so long a *doing*.

I have seen so much of Government *abroad*, as to learn, that there is no Country that takes so much Licentious Liberty with their Prince, as our own at *home*, and whatever side was *faulty*, did think it my Duty, without being *entertain'd*, to tell them of their *faults*: Could our Author prove *me* (what he calls *Another*, an *Hired* * *Buffoon*, whom against his *Apology* I leave to *defend* himself (if he can from being *hir'd*) being a more celebrated Pen, and one that was alwaies willing, that the Government by none other should be *defended*; for *Pension* and *Pay* will make the most Loyal Services a *Trade*, and so we must give some people leave to put in for a *Monopoly*.) Our Author might have then perhaps more handsomely past upon us the Reflection; but since from the *First* most *famous* Attempt against the *King's Succession*, to his *own* late Libels upon the *King*, I have with the same *zeal* and *sincerity* vindicated his cause against Authors as *celebrated* as himself, and that without the *least* satisfaction, but what Duty and Loyalty could afford, which indeed, like the *best* of *Virtue*, is the best *Reward* unto it self: This *Reflection* will come from him now with no good Grace, especially if he reflects upon some Application himself made to the late King that he Libels; and upon the * Account he gives us of the carrying on his *own* Works, which, if I mistake not, was not compast without a *Collection* too, and his kind Benefactors not only Courted out of their *Manuscripts*, but their *Money*.

* *Vid.* His Apology, p. 5.

* *Vid.* His Pref. to Refor. 1 vol.

But since our Author would make me so Ignorant in this Notion of *Arrianism*, I shall let him know,

I a *little understand* it, and that he *much* misunderstood me; The Doctrine of *Arrius* is delivered down to us as a *Disbelief of the Divinity of our Saviour*; that which gave the *first* occasion for it, was indeed what has caus'd the many Perplexities about Religious Matters *since*, and that is the Sophistry of such Polemical Divines, that make but a piece of Metaphysicks of their Faith and Religion, and must needs give Expositions and Solutions upon what without examining they are bound even from the very Bible to believe: The Bishop of *Alexandria*, upon a solemn Assembly of his Clergy, falls upon a speculative Discourse of this Mighty Mystery, and manages it so confus'dly, that *Arrius* fancied he was introducing an *Heresie* before him, *viz.* the *Sabellians*, and while he was concern'd against the Uniting of the Persons, divides their Natures, and to defend the Trinity, destroys the Unity. This I take to be *Arrianism*; This the occasion of it; This the Source of our being perplext with so many explanatory Creeds, which I could never comprehend so necessary, though thought fit to be made so Canonical.

Vid. Vind. p. 7.

Nicene, *Athanas.* &c.

Now the nice Disquisition about these matters, I thought, might be better omitted, & even the searching into Manuscripts about it, at least the troubling the World with the Account; Since such unhappy Curiosity in these Scholastick Speculations occasion'd the very *Heresie* against which we contend, and since it is an Opinion that has no footing in all our Western Churches, whether Catholick or Protestant, not so much as in a single Heretick: It can be no Service to the Christian Religion in general, to retrieve those Discourses that among unwary men and illiterate might create

create Doubts and Disturbances. Much less can it be defended, the giving the World to understand,* that the plainest Text that we have in our Bibles against it, is not to be found in their Original Manuscripts; for since those *Sacred* Books are by the indulgent Charity of the Reformation, and the reasonableness of all Peoples reading what they are bound to believe, permitted to the meanest Capacities, the plainest words will best Satisfie such, who cannot so well gather it from some dubious Expressions, which though clear to such a Doctor, to them may seem *dark*, especially when that *light* they rely'd on, is so *officiously* put out. *This* was the *true ground* of the Reflection, and *This* what he *grounds* upon an Accusation as *false*; for any one that views the * Passage, will find I accus'd him only for *dealing* thus *boldly* about the Trinity; and it plainly appears, that it had been better for the Church, if such busie men had never been so *bold*: I charg'd his Person with no Opinion, but only this Unhappy Consequence of his Fatal and officious Industry. So that when he says I represent him as an *Enemy to the Divinity of Christ*, tho' he would *not* be thought to * *lye* for *God*; yet for *Man*, for *himself*, what is worse, for an *ill man* he *doth*.

* *Vid.* His Letter from *Zurich.*

* *Vid.* Parlia. Pacif.

* *Vid.* Vind. p. 8.

FINIS.